

CHAPTER 959

AN ACT in relation to the assessment and taxation of real property,
constituting chapter fifty-a of the consolidated laws
Became a law April 23, 1958, with the approval of the Governor.

Passed, by a majority vote, three-fifths being present

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

REAL PROPERTY TAX LAW

- Article 1. Short title; definitions.
2. State board.
3. Taxable real property and standard of assessment.
4. Exemptions.
5. Assessment procedure.
6. Assessment of special franchises.
7. Judicial review.
8. County equalization.
9. Levy and collection of taxes.
11. Procedures for enforcement of collection of delinquent
 taxes.
12. State equalization.
- 12-A. Special state equalization ratios for computing
 constitutional tax and debt limitations for cities of
 one hundred twenty-five thousand or more.
- 12-B. Special State Equalization ratios for computing
 constitutional debt limitations for city school
 districts.
13. Special provisions relating to school districts.
14. Special provisions relating to villages.
15. Special provisions relating to certain assessing units.
- 15-A. County and state assessment services.
- 15-B. State aid for improved real property tax administration.
- 15-C. Systems of real property tax administration utilizing
 electronic data processing.
16. Consolidated assessing units.
18. Preservation of class share of taxes in municipal
 corporations except counties within a city, included
 within the boundaries of a special assessing unit and

- limitation on increases in assessments therein.
19. Preservation of class share of taxes other than in special assessing units.
 - 19-a. Special deferments and installment payments during the covid-19 state of emergency.
 20. Construction; laws repealed; effective date.

ARTICLE I

SHORT TITLE; DEFINITIONS

Section 100. Short title.

102. Definitions.

104. Electronic real property tax administration.

§ 100. Short title. This chapter shall be known as the "Real Property Tax Law" and may be cited as "RPTL".

§ 102. Definitions. When used in this chapter, unless otherwise expressly stated or unless the context otherwise requires:

1. "Assessing unit" means: (a) a city, town, or county with the power to assess real property, unless the city, town or county is part of a consolidated assessing unit;

(b) a consolidated assessing unit; or

(c) a village as provided in section fourteen hundred two of this chapter.

2. "Assessment" means a determination made by assessors of (1) the valuation of real property, including the valuation of exempt real property and (2) whether or not real property is subject to taxation or special ad valorem levies.

3. "Assessors" mean an elected or appointed officer or body of officers charged by law with the duty of assessing real property in an assessing unit for the purposes of taxation or special ad valorem

levies, for county, city, town, village, school district or special district purposes.

4. "Board of assessment review" means the body of officers as constituted by subdivision one of section five hundred twenty-three of this chapter and, in the case of villages, by subdivision one of section fourteen hundred eight of this chapter which is empowered to hear and determine complaints in relation to assessments.

4-a. "Chief executive officer" means (a) in the case of cities, the mayor, except in cities having a city manager in which case it shall mean the city manager, (b) in the case of villages, the mayor and (c) in the case of towns, the supervisor.

5. "Collecting officer" means an elected or appointed officer of any municipal corporation or special district authorized by law to receive and collect taxes, special ad valorem levies or special assessments.

5-a. "Commissioner" means the commissioner of taxation and finance.

6. "Comptroller" means the state comptroller.

6-a. "Consolidated assessing unit" means an assessing unit established pursuant to article sixteen of this chapter.

7. "County equalization agency" means the board of supervisors, commissioners of equalization or other county agency authorized by this chapter or any other law to establish county equalization rates.

8. "County equalization rate" means the percentage of full value at which taxable real property in a city or town is assessed as determined by a county equalization agency for purposes of apportioning county real property taxes.

9. "County treasurer" means the chief fiscal officer of a county charged by law with performing the duties of treasurer, by whatever name known or called.

9-a. "Infant" or "minor" means a person who has not attained the age of eighteen years.

9-b. "Department" means the department of taxation and finance.

10. "Municipal corporation" means a county, city, town, village or school district.

11. "Parcel" means a separately assessed lot, parcel, piece or portion of real property, except publicly owned bridges and land used for street, road, highway or parkway purposes. A parcel shall not be bisected by a municipal corporation boundary line except that in a special assessing unit a parcel may be bisected by a school district or village boundary line.

12. "Real property", "property" or "land" mean and include:

(a) Land itself, above and under water, including trees and undergrowth thereon and mines, minerals, quarries and fossils in and under the same, except mines belonging to the state;

(b) Buildings and other articles and structures, substructures and superstructures erected upon, under or above the land, or affixed thereto, including bridges and wharves and piers and the value of the right to collect wharfage, cranage or dockage thereon;

(c) Surface, underground or elevated railroads, and railroad structures, substructures and superstructures, tracks and the metal thereon, branches, switches and other fixtures permitted or authorized to be made, laid or placed in, upon, above or under any public or private street or place;

(d) When owned by a telephone company all telephone and telegraph lines, wires, poles, supports and inclosures for electrical conductors upon, above and underground. For purposes of this paragraph the term "real property" shall not include station connections and the term "telephone company" shall mean a company subject to regulation by the public service commission which provides, to the general public within its local exchange area, non-cellular switched local exchange telephone service at the points of origination and termination of the signal.

(e) Mains, pipes and tanks permitted or authorized to be made, laid or placed in, upon, above or under any public or private street or place for conducting steam, heat, water, oil, electricity or any property, substance or product capable of transportation or conveyance therein or that is protected thereby;

(f) Boilers, ventilating apparatus, elevators, plumbing, heating, lighting and power generating apparatus, shafting other than counter-shafting and equipment for the distribution of heat, light, power, gases and liquids, but shall not include movable machinery or equipment consisting of structures or erections to the operation of which machinery is essential, owned by a corporation taxable under article nine-a of the tax law, used for trade or manufacture and not essential for the support of the building, structure or superstructure, and removable without material injury thereto;

(g) Forms of housing adaptable to motivation by a power connected thereto, commonly called "trailers" or "mobile homes", which are or can be used for residential, business, commercial or office purposes, except those (1) located within the boundaries of an assessing unit for less than sixty days, (2) unoccupied and for sale or (3) "recreational vehicles" that are four hundred square feet or less in size, self propelled or towable by an automobile or light duty truck and used as temporary living quarters for recreational, camping, travel or seasonal use. The value of any trailer or mobile home shall be included in the assessment of the land on which it is located; provided, however, that if either the trailer or mobile home or the land on which it is located is entitled to any exemption pursuant to article four of this chapter, other than the exemption authorized by section four hundred twenty-five of this chapter, such trailer or mobile home shall be separately assessed in the name of the owner thereof;

(h) Special franchises as defined in subdivision seventeen of this section.

(i) When owned by other than a telephone company as such term is defined in paragraph (d) hereof, all lines, wires, poles, supports and inclosures for electrical conductors upon, above and underground used in connection with the transmission or switching of electromagnetic voice, video and data signals between different entities separated by air, street or other public domain, except that such property shall not

include: (A) station connections; (B) fire and surveillance alarm system property; (C) such property used in the transmission of news wire services; and (D) such property used in the transmission of news or entertainment radio, television or cable television signals for immediate, delayed or ultimate exhibition to the public, whether or not a fee is charged therefor.

(j) Spent fuel pools and dry cask storage systems in which nuclear fuel is stored and is pending further or final disposal from a nuclear power station following the permanent cessation of power operations of such station.

12-a. "Revaluation", "reassessment" or "update" means a systematic review of the assessments of all locally assessed properties, valued as of the valuation date of the assessment roll containing those assessments, to attain compliance with the standard of assessment set forth in subdivision two of section three hundred five of this chapter.

13. "School authorities" mean the board of education, trustees or corresponding officers, whether one or more, of a school district.

14. "Special ad valorem levy" means a charge imposed upon benefited real property in the same manner and at the same time as taxes for municipal purposes to defray the cost, including operation and maintenance, of a special district improvement or service, but not including any charge imposed by or on behalf of a city or village.

15. "Special assessment" means a charge imposed upon benefited real property in proportion to the benefit received by such property to defray the cost, including operation and maintenance, of a special district improvement or service or of a special improvement or service, but does not include a special ad valorem levy.

16. "Special district" means a town or county improvement district, district corporation or other district established for the purpose of carrying on, performing or financing one or more improvements or services intended to benefit the health, welfare, safety or convenience of the inhabitants of such district or to benefit the real property

within such district, and in which real property is subject to special ad valorem levies or special assessments for the purposes for which such district was established.

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.

18. "State board" or "board" means the state board of real property tax services.

19. "State equalization rate" means the percentage of full value at which taxable real property in a county, city, town or village is assessed as determined by the commissioner.

20. "Tax" or "taxation" means a charge imposed upon real property by or on behalf of a county, city, town, village or school district for

municipal or school district purposes, but does not include a special ad valorem levy or a special assessment. The term "tax" or "taxes" as used in articles five, nine, ten and eleven of this chapter shall for levy and collection purposes include special ad valorem levies.

21. "Tax lien" means an unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of a municipal corporation or special district which is an encumbrance on real property, whether or not evidenced by a written instrument.

§ 104. Electronic real property tax administration. 1. Notwithstanding any provision of law to the contrary, the commissioner is hereby authorized to establish standards for electronic real property tax administration (E-RPT). Such standards shall set forth the terms and conditions under which the various tasks associated with real property tax administration may be executed electronically, dispensing with the need for paper documents. Such tasks shall include any or all of the following:

- (a) The filing of exemption applications;
- (b) The filing of petitions for administrative review of assessments;
- (c) The filing of petitions for judicial review of assessments;
- (d) The filing of applications for administrative corrections of errors;
- (e) The issuance of statements of taxes;
- (f) The payment of taxes, subject to the provisions of sections five and five-b of the general municipal law;
- (g) The provision of receipts for the payment of taxes;
- (h) The issuance of taxpayer notices required by law, including sections five hundred eight, five hundred ten, five hundred ten-a, five hundred eleven, five hundred twenty-five and five hundred fifty-one-a through five hundred fifty-six-b of this chapter; and
- (i) The furnishing of notices and certificates under this chapter relating to state equalization rates, residential assessment ratios, special franchise assessments, railroad ceilings, taxable state lands, advisory appraisals, and the certification of assessors and county directors or real property tax services, subject to the provisions of

subdivision five of this section.

2. Such standards shall be developed after consultation with local government officials, the office of court administration in the case of standards relating to petitions for judicial review of assessments, and the office of the state comptroller in the case of standards relating to payments or taxes and the issuance of receipts therefor.

3. (a) Taxpayers shall not be required to accept notices, statements of taxes, receipts for the payment of taxes, or other documents electronically unless they have so elected. Taxpayers who have not so elected shall be sent such communications in the manner otherwise provided by law.

(b) The governing board of any municipal corporation may, by local law, ordinance or resolution, determine that it is in the public interest for such municipal corporation to provide electronic real property tax administration. Upon adoption of such local law, ordinance or resolution, such municipal corporation shall comply with standards set forth by the commissioner.

(c) The standards prescribed by the commissioner pursuant to this section relating to communications with taxpayers shall provide for the collection of electronic contact information, such as e-mail addresses and/or social network usernames, from taxpayers who have elected to receive electronic communications in accordance with the provisions of this section. Such information shall be exempt from public disclosure in accordance with section eighty-nine of the public officers law.

4. When a document has been transmitted electronically in accordance with the provisions of this section and the standards adopted by the commissioner hereunder, it shall be deemed to satisfy the applicable legal requirements to the same extent as if it had been mailed via the United States postal service.

5. (a) On and after January first, two thousand twenty, whenever the commissioner is obliged by law to mail a notice of the determination of a tentative state equalization rate, tentative special franchise assessment, tentative assessment ceiling or other tentative

determination of the commissioner that is subject to administrative review, the commissioner shall be authorized to furnish the required notice by e-mail, or by causing it to be posted on the department's website, or both, at his or her discretion. When providing notice of a tentative determination by causing it to be posted on the department's website, the commissioner also shall e-mail the parties required by law to receive such notice, to inform them that the notice of tentative determination has been posted on the website. Such notice of tentative determination shall not be deemed complete unless such emails have been sent. Notwithstanding any provision of law to the contrary, the commissioner shall not be required to furnish such notices by postal mail, except as provided by paragraphs (d) and (e) of this subdivision.

(b) When providing notice of a tentative determination by e-mail or posting pursuant to this subdivision, the commissioner shall specify an e-mail address to which complaints regarding such tentative determination may be sent. A complaint that is sent to the commissioner by e-mail to the specified e-mail address by the date prescribed by law for the mailing of such complaints shall be deemed valid to the same extent as if it had been sent by postal mail.

(c) When a final determination is made in such a matter, notice of the final determination and any certificate relating thereto shall be furnished by e-mail or by a website posting, or both at the commissioner's discretion, and need not be provided by postal mail, except as provided by paragraphs (d) and (e) of this subdivision. When providing notice of a final determination by website posting, the commissioner also shall e-mail the parties required by law to receive such notice, to inform them that the notice of final determination has been posted on the website. Such notice of final determination shall not be deemed complete unless such emails have been sent.

(d) If an assessor has advised the commissioner in writing that he or she prefers to receive the notices described in this subdivision by postal mail, the commissioner shall thereafter send such notices to that assessor by postal mail, and need not send such notices to that assessor by e-mail. The commissioner shall prescribe a form that assessors may use to advise the commissioner of their preference for postal mail.

(e) If the commissioner learns that an e-mail address to which a notice has been sent pursuant to this subdivision is not valid, and the

commissioner cannot find a valid e-mail address for that party, the commissioner shall resend the notice to the party by postal mail. If the commissioner does not have a valid e-mail address for the party at the time the notice is initially required to be sent, the commissioner shall send the notice to that party by postal mail.

(f) On or before November thirtieth, two thousand nineteen, the commissioner shall send a notice by postal mail to assessors, to chief executive officers of assessing units, and to owners of special franchise property and railroad property, informing them of the provisions of this section. The notice to be sent to assessors shall include a copy of the form prescribed pursuant to paragraph (d) of this subdivision.

(g) As used in this subdivision, the term "postal mail" shall mean mail that is physically delivered to the addressee by the United States postal service.

ARTICLE 2 STATE BOARD

Section 200. State board.

200-a. Powers of the state board of real property tax services.

201. Assumption of responsibilities by the department of taxation and finance.

202. Powers and duties of the commissioner in relation to real property tax administration.

203. Office of real property tax services.

204. Oaths and affidavits; subpoenas.

206. Execution of instruments.

208. Official seal.

216. Powers of commissioner upon neglect or refusal of officials to perform duties.

§ 200. State board. There is hereby created in the department of taxation and finance a separate and independent state board of real property tax services, to consist of five members to be appointed by the governor, by and with the advice and consent of the senate. Of those

five members appointed by the governor, one such person shall be an individual actively engaged in the commercial production for sale of agricultural crops, livestock and livestock products of an average gross sales value of ten thousand dollars or more. Said individual shall be appointed in the first instance to a term of eight years upon expiration of an existing term. Said initial term shall commence on the first day of January next succeeding the year in which the existing term shall expire. The governor shall designate one of the members as the chairman of the board, who shall serve as chairman at the pleasure of the governor. A majority of the duly appointed members shall constitute a quorum and not less than a majority of such members concurring may transact any business, perform any duty or exercise any power of the board. The members of the board shall be appointed for terms of eight years, commencing on the first day of January next following the year in which the term of his predecessor expired, except that the terms of the members first appointed shall expire as follows: one on December thirty-first, nineteen hundred sixty-one, one on December thirty-first, nineteen hundred sixty-three, one on December thirty-first, nineteen hundred sixty-five, one on December thirty-first, nineteen hundred sixty-seven, and one on December thirty-first, nineteen hundred eighty-two. Vacancies occurring otherwise than by expiration of term shall be filled for the unexpired term. All members shall receive necessary expenses incurred in the performance of their duties.

§ 200-a. Powers of the state board of real property tax services. 1.

The powers, functions, duties, and obligations of the state board of real property tax services shall be separate from and independent of the authority of the department of taxation and finance. Such board shall be empowered to adopt such guidelines as may be necessary for the effective management of its decision-making process.

2. The state board of real property tax services shall have the following powers in relation to real property tax administration:

* (a) The power to determine the final special franchise value, special franchise assessment, railroad ceiling, state equalization rate or any other equalization product established pursuant to this chapter

for which a complaint has been filed, as provided by sections four hundred eighty-nine-o, four hundred eighty-nine-ll, six hundred fourteen, twelve hundred ten, twelve hundred fifty-three, and twelve hundred sixty-three of this chapter;

* NB Effective until January 1, 2031

* (a) The power to determine the final special franchise value, special franchise assessment, railroad ceiling, state equalization rate or any other equalization product established pursuant to this chapter for which a complaint has been filed, as provided by sections four hundred eighty-nine-o, four hundred eighty-nine-ll, six hundred fourteen, twelve hundred ten, twelve hundred fifty-three, and twelve hundred sixty-three of this chapter;

* NB Effective January 1, 2031

(b) The power to hear and determine reviews relating to determinations made by county equalization agencies, as provided by sections eight hundred sixteen and eight hundred eighteen of this chapter; and

(c) The power to hear and determine reviews relating to determinations of STAR eligibility made by the department of taxation and finance as provided by section four hundred twenty five of this chapter.

3. The provisions of section five hundred twenty-five of this chapter shall apply so far as practicable to a hearing conducted by the board of real property tax services pursuant to this chapter.

§ 201. Assumption of responsibilities by the department of taxation and finance. 1. On and after the effective date of this section, the functions, powers and duties of the state board of real property services as formerly established by this chapter shall be considered functions, powers and duties of the commissioner of taxation and finance, except to the extent provided by section two hundred-a of this article.

2. On and after the effective date of this section, the functions, powers and duties of the office of real property services as formerly established by this chapter shall be considered functions, powers and duties of the commissioner of taxation and finance.

3. Notwithstanding any other provision of law, rule, or regulation to the contrary, upon the transfer of functions from the office of real property services to the department of taxation and finance pursuant to this section, all employees of the office of real property services substantially engaged in the performance of the transferred functions shall be transferred to the department of taxation and finance. Employees transferred pursuant to this section shall be transferred without further examination or qualification and shall retain their respective civil service classifications, status and collective bargaining unit designations and collective bargaining agreements.

4. All books, papers, and property of the office of real property services shall be delivered to the commissioner. All books, papers, and property of the office of real property services shall continue to be maintained by the department.

5. For the purpose of succession of all functions, powers, duties and obligations transferred and assigned to, devolved upon and assumed by it pursuant to this section, the department shall be deemed and held to constitute the continuation of the office of real property services.

6. Any business or other matter undertaken or commenced by the state board of real property services, the office of real property services or the executive director thereof pertaining to or connected with the functions, powers, obligations and duties hereby transferred and assigned to the commissioner or the department and pending on the effective date of this section, may be conducted and completed by the commissioner or the department in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the state board of real property services, the office of real property services or its executive director.

7. (a) All rules, regulations, acts, orders, determinations, and decisions of the state board of real property services or the office of real property services, in force at the time of such transfer and assumption, shall continue in full force and effect as rules,

regulations, acts, orders, determinations and decisions of the department until duly modified or abrogated by the commissioner or the department.

(b) All acts, orders, determinations, and decisions of the state board of real property services pertaining to the functions and powers provided in section two hundred-a of this article shall continue in full force and effect as acts, orders, determinations and decisions of the state board of real property tax services.

8. Whenever the state board of real property services, the office of real property services or its executive director is referred to or designated in any law, contract or document pertaining to the functions, powers, obligations and duties hereby transferred to and assigned to the commissioner or the department, such reference or designation shall be deemed to refer to the commissioner or department, as applicable or indicated by the context.

9. No existing right or remedy of any character shall be lost, impaired or affected by any provisions of this section.

10. No action or proceeding pending on the effective date of this section, brought by or against the state board of real property services, the office of real property services or its executive director shall be affected by any provision of this section, but the same may be prosecuted or defended in the name of the commissioner or the department. In all such actions and proceedings, the commissioner, upon application of the court, shall be substituted as a party.

11. All appropriations or reappropriations made to the office of real property services to the extent of remaining unexpended or unencumbered balance thereof, whether allocated or unallocated and whether obligated or unobligated, are hereby transferred to and made available for use and expenditure by the department subject to the approval of the director of the budget for the same purposes for which originally appropriated or reappropriated and shall be payable on vouchers certified or approved by the commissioner on audit and warrant of the comptroller.

12. All assets and liabilities of the office of real property services are hereby transferred to and assumed by the department.

§ 202. Powers and duties of the commissioner in relation to real property tax administration. 1. The commissioner shall:

- (a) Assess special franchises;
- (b) Establish state equalization rates for each county, city, town and village;
- (c) Approve assessments of state lands subject to taxation;
- (d) Have general supervision of the function of assessing throughout the state;
- (e) Investigate, from time to time, the methods of assessment throughout the state, and confer with, advise and assist assessors and other officials whose duties relate to assessments;
- (f) Furnish assessors with such information and instructions as may be necessary or proper to aid them in making assessments, which instructions shall be followed and compliance with which may be enforced by him or her;
- (g) Prescribe, and in his or her discretion furnish to assessors at the expense of the state, forms relating to assessments, including applications for exemption from real property taxation, which forms shall be used by the assessors and applicants for an exemption granted pursuant to this or any other chapter, and the use of which shall be enforced by the commissioner;
- (h) Obtain from state and local officers, bodies or other agencies such information as may be necessary for the proper discharge of the duties conferred upon him or her in relation to real property tax administration, which information shall be furnished on his or her demand;
- (i) Inquire into the provisions of the laws of other states and confer with the appropriate officials thereof regarding the most effectual and equitable methods of assessing and taxing real property;
- (j) Prepare an annual report to the legislature which shall include therein recommendations concerning amendments to existing law and such other information as he or she may deem advisable;
- (k) Adopt and amend such rules, regulations, orders and

determinations, not inconsistent with law, as may be necessary for the exercise of his or her powers and the performance of his or her duties under this chapter;

(l) Establish railroad ceilings for railroad real property;

(m) Exercise and perform such other powers and duties as may be conferred or imposed on him or her by law.

(n) Monitor the quality of local assessment practices by individual assessing units.

(o) Impose, collect and receive such charges or fees as may be authorized by statute.

(p) Promulgate rules and regulations for the ascertainment and reporting of "assessment record billing owner" information, as defined in section one hundred three of the eminent domain procedure law, for the purposes of the administration of such law.

2. In any instance where an assessing unit has acted pursuant to the rules, regulations, orders, determinations or instructions of the commissioner acting pursuant to the authority conferred upon him or her by this chapter, and such action is the subject of a judicial review, the commissioner may upon request of the assessing unit assist such assessing unit by the filing of a brief amicus curiae or through such other means as may be appropriate.

3. The commissioner may adopt rules and regulations, as necessary, to implement the computerized statewide school district address match and income verification system set forth in section one hundred seventy-one of the tax law.

4. Any records that come into the commissioner's custody in the course of discharging the duties imposed upon him or her by this chapter shall be subject to public access to the full extent provided by this chapter and the public officers law, and shall not be subject to the secrecy provisions of the tax law.

§ 203. Office of real property tax services. There is hereby created within the department of taxation and finance an office of real property

tax services. The head of the office shall be a deputy commissioner for real property tax services, who shall also be the executive officer for and secretary of the state board of real property tax services. The deputy commissioner for real property tax services shall be appointed by the governor. He or she shall exercise such powers and duties in relation to real property tax administration as may be delegated to him or her by the commissioner, shall report directly to the commissioner on the activities of the office, and shall hold office at the pleasure of the commissioner. The commissioner may appoint such officers, employees, agents, consultants and special committees as he or she may deem necessary to carry out the provisions of this chapter, and shall prescribe their duties.

§ 204. Oaths and affidavits; subpoenas. Each member of the board, and any officer or employee of the state board of real property tax services duly authorized by resolution of the board, shall have power to administer oaths, take affidavits and certify acknowledgements in relation to any matter or proceeding in the exercise of the powers or duties of the board under this chapter or any other law and in relation to any written instrument authorized or required to be filed with the board. The board or any officer or employee of the state board of real property tax services duly authorized by resolution of the board shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents pertinent to the investigations and inquiries which it is authorized to conduct and to examine them in relation to any matter which it has power to investigate, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the board or excused from attendance. A subpoena issued under this section shall be regulated by the civil practice law and rules.

§ 206. Execution of instruments. Whenever the board is authorized or required by law to execute an instrument, such instrument shall be executed by affixing the name of the board and, underneath such name, the signature of one or more of the members of such board or such

officer or employee of the state board of real property tax services as may be designated by the board. No acknowledgment of the execution of any such instrument shall be necessary for the purpose of recordation or for any other purpose.

§ 208. Official seal. The board shall have an official seal. Its records, proceedings and copies of all papers and documents in its possession and custody may be authenticated in the usual form, under such seal and the signature of any one of the members of the board or such officer or employee of the state board of real property tax services as may be designated by the board, and shall be received in evidence in the same manner and with like effect as deeds regularly acknowledged or proven.

§ 216. Powers of commissioner upon neglect or refusal of officials to perform duties. 1. Whenever it appears to the satisfaction of the commissioner that any assessor or other public officer, employee or board of assessment review whose duties relate directly to real property tax administration has failed to comply with the provisions of this chapter or any other law relating to such duties, or the rules and regulations of the commissioner made pursuant thereto, after a hearing on the facts, the commissioner may issue an order directing such assessor, officer, employee or board of assessment review to comply with such law, rule or regulation.

2. If any assessor or other public officer, employee or board of assessment review whose duties relate directly to real property tax administration shall willfully and intentionally refuse or neglect to perform any duty or do any act required by or pursuant to this chapter, in addition to any other penalty provided by law, such assessor, public officer, employee or member of a board of assessment review shall forfeit to the municipal corporation of which such assessor, public officer, employee or member is an officer a sum not to exceed fifty dollars for each willful and intentional violation, which may be recovered by the commissioner.

3. Where a property owner is, in a proceeding conducted pursuant to this section, found to be directly affected by the violation of state law or rule, the commissioner in its order shall establish procedures by which an assessor, officer, employee or board of assessment review whose duties relate directly to real property tax administration, whether or not a party to the proceeding, shall remedy the failure to comply with such state law or rules with respect to an assessment roll filed not more than three years prior to the commencement of the proceeding. Such remedy may include reconvening the board of assessment review, identifying the class of persons eligible to complain when the board of assessment review reconvenes, and issuing instructions to such board of assessment review on the law and any documentation required of eligible complainants in relation to the findings of the commissioner. A copy of such order shall be mailed to such assessor, officer, employee or board of assessment review and to each municipal corporation which utilizes such assessment roll. Such order shall, where appropriate, require the assessing unit to mail a copy of the order to each eligible complainant whose name and address is readily ascertainable from the record of the proceeding.

4. (a) Where the commissioner has ordered the board of assessment review to reconvene to receive complaints, a copy of the order shall be mailed by the assessing unit to each eligible complainant, which mailing shall be accompanied by the form prescribed by the commissioner for complaints on tentative assessments or such other form as may be prescribed for such purpose. Included with such order and form shall be a notice stating the date, time and place at which the board of assessment review will reconvene. This material shall be mailed to the eligible complainant no later than fifteen days prior to the meeting of the board of assessment review. On the date and time specified in such notice, the board of assessment review will reconvene to hear any complaints filed pursuant to such order and shall have the powers and duties set forth in section five hundred twenty-five of this chapter, except that it may receive only complaints with respect to assessments of those parcels to which the commissioner's order applies. A petition for review of the assessment of such property pursuant to either title

one or one-A of article seven of this chapter may be filed no later than thirty days after the determination of the board of assessment review is mailed to the petitioner, notwithstanding the provisions of section seven hundred two or seven hundred thirty of this chapter.

(b) The assessor shall correct the assessment roll upon receipt of the verified statement of changes from the board of assessment review. If the assessor no longer has custody of the assessment roll when such verified statement is received, he or she shall forward a copy of such verified statement and a copy of the commissioner's order to the person having custody of the assessment roll or tax roll, which person shall thereupon make the appropriate corrections. The assessor shall also forward a copy of the verified statement of changes to the clerk of each tax levying body which levies taxes on such assessment roll.

(c) Where a tax, special assessment or special ad valorem levy has been paid prior to the correction of the tax roll pursuant to this section and the order of the board of assessment review results in a reduction of the tax liability of a parcel, the tax levying body shall refund to the person who paid such tax, special assessment or special ad valorem levy the amount which exceeds the tax, special assessment, or special ad valorem levy due upon the corrected tax roll. Any such refund shall be a charge upon each municipal corporation or special district to the extent that the taxes, special assessments or special ad valorem levies were levied on its behalf or as is otherwise provided by law with respect to Nassau and Suffolk counties; provided, however, that no application need be made by the petitioner for such refund. The verified statement of changes provided to the clerk of the tax district shall constitute an application for refund for the purposes of this section. Where a refund is not made within ninety days of the receipt of the verified statement of changes, interest in the amount of one percent per month shall be added to the amount to be refunded for each month or part thereof in excess of ninety days and paid to the property owner.

(d) Where taxes, special assessments or special ad valorem levies have been levied prior to the correction of the tax roll pursuant to this section and the verified statement of changes of the board of assessment review results in an increase in the tax liability of a parcel or the imposition of a tax liability upon a parcel, the additional tax, special assessment, or special ad valorem levy shall be levied, collected and

accounted for as provided in the commissioner's order.

(e) The provisions of title three of article five of this chapter shall apply as far as practicable to the correction of an assessment roll or tax roll and, if applicable, to a refund of taxes pursuant to this section; provided however that no application, except as provided herein, need be made for such correction or refund.

5. If an assessor, or other public officer, employee or board of assessment review whose duties relate directly to real property tax administration fails or refuses to comply with the commissioner's order within ten days after service of such order or within such time as is prescribed by the commissioner for compliance with its order, the commissioner may commence a special proceeding pursuant to article four of the civil practice law and rules to compel compliance with such order. Such special proceeding shall be commenced by the counsel to the department of taxation and finance, except that the attorney general of the state shall commence such proceeding on behalf of the department if he or she deems it necessary.

ARTICLE 3

TAXABLE REAL PROPERTY AND STANDARD OF ASSESSMENT

Title 1. Assessment of real property.

2. Assessors and assessor training.

3. Assessors and assessor training in cities with a population of five million or more.

TITLE 1

ASSESSMENT OF REAL PROPERTY

Section 300. Property subject to taxation.

301. Valuation date.

302. Taxable status date.

304. Subject of assessment.

305. Assessment methods and standard.

305-a. Assessment using the comparable sales, income capitalization or cost method.

307-a. Additional tax on class one property.

§ 300. Property subject to taxation. All real property within the state shall be subject to real property taxation, special ad valorem levies and special assessments unless exempt therefrom by law. Notwithstanding any provision of this chapter or of any other general, special or local law to the contrary, personal property, whether tangible or intangible, shall not be liable to ad valorem taxation.

§ 301. Valuation date. All real property subject to taxation, and assessed as of a March first taxable status date, shall be valued as of the preceding first day of July. The valuation date of real property in a city or town not subject to the provisions of this section shall be determined as of the date provided by law applicable to such city or town, or if not so provided, then as of the taxable status date of the city or town. The valuation date of the real property entered on any assessment roll shall be imprinted or otherwise indicated at the top of the first page of each volume of such roll.

§ 302. Taxable status date. 1. The taxable status of real property in cities and towns shall be determined annually according to its condition and ownership as of the first day of March and the valuation thereof determined as of the applicable valuation date. The taxable status of real property in a city or town not subject to the provisions of this section shall be determined as of the date provided by law applicable to such city or town, or if not so provided, then as of the date the assessment roll is completed and filed prior to the hearing of complaints in connection therewith. The date of taxable status of the real property contained on any assessment roll shall be imprinted or otherwise indicated at the top of the first page of each volume of such roll.

2. The taxable status date of real property assessed for school district and village purposes shall be determined in accordance with

sections thirteen hundred two and fourteen hundred of this chapter, respectively. The date of taxable status of the real property contained on any village assessment roll shall be imprinted or otherwise indicated at the top of the first page of each volume of such roll.

3. Notwithstanding any other provision of law to the contrary, whenever any person, association or corporation not entitled to an exemption from taxation acquires title to property which is exempt, in whole or in part, from taxation, such property shall be immediately subject to taxation pursuant to section five hundred twenty of this chapter, except that, in cities with a population of one million or more, such property shall become subject to taxation pursuant to section four hundred ninety-four of this chapter.

4. The taxable status of a special franchise shall be determined on the basis of its value and its ownership as of the first day of January of the year preceding the year in which the assessment roll on which such property is to be assessed is completed and filed in the office of the city or town clerk, except that taxable status of such properties shall be determined on the basis of ownership as of the first day of January of the second year preceding the date required by law for the filing of the final assessment roll for purposes of all village assessment rolls.

5. Notwithstanding any other provision of law to the contrary, in a city with a population of one million or more, whenever any corporation or association entitled to exemption from taxation pursuant to paragraph (a) of subdivision one of section four hundred twenty-a or paragraph (a) of subdivision one of section four hundred twenty-b of this chapter, or any local law adopted pursuant to such provisions, acquires title to real property that is not exempt, in whole or in part, from taxation, such property shall, provided that it otherwise qualifies for exemption pursuant to such provisions, be immediately subject to exemption from taxation in accordance with section four hundred ninety-four-a of this chapter.

* **§ 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)

§ 305. Assessment methods and standard. 1. The existing assessing methods in effect in each assessing unit on the effective date of this section may continue.

2. All real property in each assessing unit shall be assessed at a uniform percentage of value (fractional assessment) except that, if the administrative code of a city with a population of one million or more permitted, prior to January first, nineteen hundred eighty-one, a classified assessment standard, such standard shall govern unless such city by local law shall elect to be governed by the provisions of this section.

3. Any assessing unit in which assessments are at full value by reason of a revaluation may adopt a level of assessment in accordance with this section.

§ 305-a. Assessment using the comparable sales, income capitalization or cost method. 1. As used in this section, the following terms shall have the following meanings:

(a) "Mixed-use property" means a property with a building or structure used for both residential and commercial purposes.

(b) "Non-residential property" means a property with a building or structure used for commercial purposes.

2. When determining the value of a mixed-use or non-residential property using the comparable sales, income capitalization or cost method, the following shall be considered when selecting appropriate sales or rentals comparable to the subject property; provided, however, that the following requirements shall apply only to assessing units other than cities having a population of one million or more:

(a) sales or rentals of properties exhibiting similar use or the use at the time of sale in the same real estate market. Comparable properties should include properties located in proximate location to the subject property unless there is an inadequate number of appropriate sales or rentals within the same market; and

(b) sales or rentals of properties that are similar in age, condition, use or the use at the time of sale, type of construction, location, design, physical features and economic characteristics including but not limited to similarities in occupancy and market rent.

§ 307-a. Additional tax on class one property. 1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, any city with a population of one million or more is hereby authorized and empowered to adopt and amend local laws in accordance with this section imposing an additional tax on certain class one properties, as such properties are defined in section eighteen hundred two of this chapter, excluding vacant land.

2. Definitions. As used in this section:

(a) "Commissioner of finance" means the commissioner of finance of a

city having a population of one million or more, or his or her designee.

(b) "Department of finance" means the department of finance of a city having a population of one million or more.

(c) "Net real property tax" means the real property tax assessed on class one property after deduction for any exemption or abatement received pursuant to this chapter.

3. Additional tax. A local law enacted pursuant to this section may provide for a real property tax surcharge in an amount (a) up to twenty-five percent of net real property taxes for the fiscal year beginning July first, two thousand three, and (b) up to fifty percent of net real property taxes for fiscal years beginning on or after July first, two thousand four.

4. Property subject to additional tax. Such surcharge shall be imposed on class one property, excluding vacant land, that provides rental income and is not the primary residence of the owner or owners of such class one property, or the primary residence of the parent or child of such owner or owners.

5. Rental income, primary residence and/or relationship to owner or owners. The property shall be deemed to be the primary residence of the owner or owners thereof, if such property would be eligible to receive the real property tax exemption pursuant to section four hundred twenty-five of this chapter, regardless of whether such owner or owners has filed an application for, or the property is currently receiving such exemption. Proof of primary residence and the resident's or residents' relationship to the owner or owners and the absence of rental income shall be in the form of a certification as required by local law or the rules of the commissioner.

6. Rules. The department of finance of any city enacting a local law pursuant to this section shall have, in addition to any other functions, powers and duties which have been or may be conferred on it by law, the power to make and promulgate rules to carry out the purposes of this section including, but not limited to, rules relating to the timing, form and manner of any certification required to be submitted under this

section.

7. Penalties. (a) Notwithstanding any provision of any general, special or local law to the contrary, an owner or owners shall be personally liable for any taxes owed pursuant to this section whenever such owner or owners fail to comply with this section or the local law or rules promulgated thereunder, or makes such false or misleading statement or omission and the commissioner determines that such act was due to the owner or owners' willful neglect, or that under such circumstances such act constituted a fraud on the department. The remedy provided herein for an action in personam shall be in addition to any other remedy or procedure for the enforcement of collection of delinquent taxes provided by any general, special or local law.

(b) If the commissioner should determine, within three years from the filing of an application or certification pursuant to this section, that there was a material misstatement on such application or certification, he or she shall proceed to impose a penalty tax against the property of five hundred dollars, in accordance with the local law or rules promulgated hereunder.

8. Cessation of use. In the event that a property granted an exemption from taxation pursuant to this section ceases to be used as the primary residence of such owner or owners or his, her or their parent or child, such owner or owners shall so notify the commissioner of finance.

TITLE 2

ASSESSORS AND ASSESSOR TRAINING

Section 308. Local government defined.

310. Assessor.

312. Minimum qualification standards for assessors, appraisal personnel and candidates eligible for certification as assessor.

314. Acting assessor.

316. Orientation.

318. Certification of assessors.

320. Certification as eligible for the position of assessor.

- 322. Failure to obtain or maintain certification.
- 326. Local government appraisal personnel.
- 328. Option to change to single appointed assessor.
- 329. Option to change to sole elected assessor.
- 330. Adoption of local law.
- 332. Inconsistent laws inapplicable.
- 334. Local governments to which title applies.
- 336. Statement of disclosure for assessors.

§ 308. Local government defined. "Local government" when used in this title, unless otherwise expressly stated or unless the context otherwise requires, means a county, city or town with the power to assess real property for the purpose of taxation.

§ 310. Assessor. 1. Selection. Each local government to which this title applies which has the power to assess real property for purposes of taxation shall have one assessor. An appointive assessor shall be appointed by the legislative body of the local government except that in a local government where department heads and other local officers are appointed by the chief executive officer, such assessor shall be appointed by such officer. Any resident of the state, otherwise eligible for appointment as assessor, may be appointed assessor. An assessor may be employed by the local government in any other position not incompatible with the office of assessor.

2. Term of office. The term of office of assessor shall be six years except as otherwise provided in subdivision seven of this section. The terms for appointive assessors shall commence on the first day of October, nineteen hundred seventy-one and each sixth year thereafter. Where a town has exercised the option to elect one assessor, as provided by section three hundred twenty-nine of this article, the term for such elected assessor shall be as of the first day of January, nineteen hundred ninety-four and each sixth year thereafter.

3. Classification. The position of appointive assessor shall be in the

classified service, notwithstanding the provisions of subdivision (e) of section thirty-five of the civil service law.

4. Minimum qualification standards. No person shall be eligible for appointment as assessor unless he meets the minimum qualification standards established for such office by the commissioner.

5. Certification and continuing education. (a) All assessors, whether appointed or elected, must obtain commissioner certification of successful completion of the basic course of training and education prescribed by the commissioner pursuant to this title.

(b) In addition to the basic course of training and education, all appointive assessors and any assessor elected to a six-year term shall also complete additional courses in a continuing training and education program prescribed by the commissioner pursuant to the provisions of this title.

6. Training; services by state; county cooperation. The commissioner shall provide training programs including but not limited to courses of training and education required to be completed by local officers and employees and by candidates for certification as eligible for the position of assessor in accordance with the provisions of this title. Such programs shall be provided by the commissioner for counties, cities and towns to which this title is applicable. Counties shall cooperate with the commissioner in providing such programs.

7. Indefinite term for assessors. Notwithstanding the provisions of subdivision two of this section, the office of assessor shall have an indefinite term (a) where the office of assessor is a full time position as determined by the local legislative body and on or after August first, nineteen hundred seventy is classified in the competitive class of the civil service at the request of the local legislative body or (b) where on July thirty-first, nineteen hundred seventy the office of assessor is classified in the competitive class of the civil service and has an indefinite term pursuant to law.

§ 312. Minimum qualification standards for assessors, appraisal personnel and candidates eligible for certification as assessor. The commissioner shall establish for counties, cities and towns to which this title applies minimum qualification standards (a) for appointments to the positions of (i) assessor, except assessors of local governments not subject to the provisions of section three hundred ten of this title, and (ii) other administrative positions having professional appraisal duties relating to the assessment of real property for purposes of taxation, and (b) for applicants for certification as candidates eligible for the position of assessor, other than assessors or assessors-elect, pursuant to subdivision ten of section three hundred ten of this title. Such standards shall be set forth in rules and regulations promulgated by the commissioner.

§ 314. Acting assessor. 1. In the event that an assessor appointed pursuant to the provisions of section three hundred ten of this title is unable to perform the duties of the office or the office becomes vacant, the appointing authority may by resolution designate or appoint an acting assessor. Where an acting assessor is designated or appointed pursuant to this section, the appointing authority shall notify the commissioner within fifteen days of making such designation or appointment. The acting assessor shall function as assessor until such time as the assessor is able to resume the position or until a replacement is appointed. In the event an acting assessor functions as assessor for more than six months, then such acting assessor shall be required to meet the minimum qualification standards and to obtain certification as required by this title for persons elected or appointed to the office of assessor.

2. In the event that an elective assessor is unable to perform the duties of the office, the legislative body may by resolution designate or appoint an acting assessor. Where an acting assessor is designated or appointed pursuant to this section, the legislative body shall notify the commissioner within fifteen days of making such designation or appointment. The acting assessor shall function as the assessor or member of the board of assessors until such time as the assessor is able

to resume the position, a replacement is appointed, or a successor is elected. In no event may an acting assessor appointed pursuant to this subdivision function as assessor for more than three months. Nothing herein shall be deemed to supersede the provisions of the public officers law on the filling of vacancies in elective offices.

§ 316. Orientation. Within one month of commencing a term of office, any assessor, whether elected or appointed, who has not obtained commissioner certification pursuant to this title, shall attend a one day orientation course prescribed by the commissioner. Such orientation course shall be designed to provide the prospective assessor with a general knowledge of the responsibilities of the assessor and a general understanding of the appropriate state and local government structure. No assessor shall continue in office or receive compensation where the commissioner determines that he or she has failed to file with the clerk of the assessing unit a certificate of attendance of the orientation course.

§ 318. Certification of assessors. 1. Any person appointed or elected to the office of assessor shall be certified by the commissioner pursuant to this section within a minimum of one year and a maximum of three years after he or she commences his or her term of office, unless he or she has been previously certified by the commissioner and his or her certification has not expired. The period within which each assessor must become certified shall be established by the commissioner by rule based upon one or more general characteristics of the assessing unit or units in which the assessor serves, including, but not limited to (a) number of parcels; (b) classification of parcels by use; and (c) complexity of real property. At least once during each twelve month period preceding the date by which the commissioner requires permanent certification pursuant to this section, each assessor must obtain an interim certification from the commissioner. Such interim certification shall evidence satisfactory progress in obtaining permanent certification by successful completion of one or more components of the required training. The commissioner shall transmit such interim

certificate to the assessor and to the appropriate city or town clerk for filing.

2. An assessor shall be certified upon successful completion of the basic course of training and such examinations as may be prescribed by the commissioner. The basic course of training shall be prescribed by the commissioner in accordance with the classification of assessing units established by the commissioner pursuant to subdivision one of this section.

3. (a) An assessor or assessor-elect may be certified by the commissioner if such person satisfies the minimum qualification standards established by the commissioner for appointed assessors and passes a comprehensive examination conducted by the commissioner. The commissioner shall annually conduct examinations for such purpose. Examinations shall be of such character as to fairly test and determine knowledge, skills and abilities necessary to perform the duties of assessor with respect to appraisal and assessment procedures, applicable laws, rules and regulations and the size and complexity of assessing units.

(b) The commissioner may, in its discretion, waive any of the courses of training or may certify without examination any assessor or assessor-elect, provided that such person is:

(i) a member of the institute of assessing officers of the New York state assessor's association or is a member of the American institute of real estate appraisers; or

(ii) designated as a senior real property appraiser by the society of real estate appraisers; or

(iii) designated a certified assessment evaluator or an accredited assessment evaluator by the international association of assessing officers.

4. Notwithstanding the provisions of this subdivision or any other law, the travel and other actual and necessary expenses incurred by an appointed or elected assessor, or by a person appointed assessor for a forthcoming term, or by an assessor-elect prior to the commencement of his or her term, in satisfactorily completing courses of training as

required by this title or as approved by the commissioner, including continuing education courses prescribed by the commissioner which are satisfactorily completed by any elected assessor, shall be a state charge upon audit by the comptroller. Travel and other actual and necessary expenses incurred by an acting assessor who has been exercising the powers and duties of the assessor for a period of at least six months, in attending training courses no earlier than twelve months prior to the date when courses of training and education are required, shall also be a state charge upon audit by the comptroller. Candidates for certification as eligible for the position of assessor, other than assessors or assessors-elect, shall be charged for the cost of training materials and shall be responsible for all other costs incurred by them in connection with such training. Notwithstanding the foregoing provisions of this subdivision, if the provider of a training course has asked the commissioner to approve the course for credit only, so that attendees who successfully complete the course would be entitled to receive credit without having their expenses reimbursed by the state, and the commissioner has agreed to do so, the travel and other actual and necessary expenses incurred by such attendees shall not be a state charge.

5. Notwithstanding the provisions of sections three hundred eight and three hundred thirty-four of this title, a village assessor, who satisfies the minimum qualification standards established by the commissioner pursuant to subdivision four of section three hundred ten of this title, may complete the basic course of training prescribed by the commissioner pursuant to this section. Where such training is successfully completed, a village assessor shall be certified as provided by this section.

6. Whenever an individual is appointed to fill a vacancy in an elective office of assessor, the commissioner shall compute any time limitation imposed by this title or any rule adopted pursuant to this title from the next January first following that appointment rather than from the date of that appointment.

7. In a county which has the power to assess real property for

purposes of taxation with one assessor appointed as provided in this title, the travel and other actual and necessary expenses incurred by appraisal personnel employed in the office of such assessor in attending courses of training as required by this subdivision shall be a state charge upon audit by the comptroller.

8. To the extent funds are appropriated, all payments pursuant to this section shall be made from the local assistance account.

§ 320. Certification as eligible for the position of assessor. 1. Any person who is not an assessor may be certified as eligible for the position of assessor where such person:

(a) meets the minimum qualification standards prescribed by the commissioner for such purpose and successfully completes the basic course of training and passes an examination demonstrating successful completion of such course prescribed by the commissioner;

(b) meets the minimum qualification standards established by the commissioner for appointed assessors and passes an examination conducted by the commissioner for this purpose; or

(c) possesses a professional designation as described in paragraph (b) of subdivision three of section three hundred eighteen of this title and the commissioner, in its discretion, waives any of the courses of training or examination.

2. Such certification shall specify that such person is eligible for the position of assessor in accordance with the classification of assessing units established by the commissioner pursuant to subdivision one of section three hundred eighteen of this title. Certification as eligible for the position of assessor shall be for a period of three years and may be renewed after the expiration of this period with or without examination in accordance with regulations established by the commissioner. Upon request by an assessing unit, the commissioner shall provide a list of candidates certified as eligible for the position of assessor pursuant to this section.

§ 322. Failure to obtain or maintain certification. 1. The commissioner shall conduct a hearing upon notice to the assessor and the clerk of the local government for which the assessor serves, such hearing to be conducted within the county where the assessing unit is located no later than thirty days after delivery of such notice, where it appears that an assessor has failed:

(a) within the applicable period to file, with the clerk of the local government for which the assessor serves, a certificate of the commissioner stating that he or she has fulfilled the requirements of section three hundred eighteen of this title; or

(b) to file, with the clerk of the local government for which the assessor serves, a temporary certificate as provided in subdivision four of this section; or

(c) to meet the standards required by subdivision four of section three hundred ten of this title for appointive assessors; or

(d) to file, with the clerk of the local government for which the assessor serves, a certificate issued by the commissioner that he or she has completed the one day orientation course; or

(e) to maintain the continuity of any interim certification issued by the commissioner; or

(f) to complete continuing education as prescribed by the commissioner, pursuant to subdivision five of section three hundred ten of this title, for appointive assessors.

2. If, after such hearing, the commissioner finds that an assessor has failed to comply with any applicable requirements as stated in subdivision one of this section, the appointment of that assessor shall be revoked if appointive, or the office of that assessor shall become vacant if elective.

3. No assessor, once having been so removed from office, shall be appointed to the unexpired term of the office from which he or she has been removed.

4. In the event that an assessor shall have been unable to enroll in or complete any course of training and education for reasons beyond his or her control and as a result thereof, is not certified, the

commissioner may issue a temporary certificate which will enable the assessor to continue in office pending completion of such course at the earliest date when such course is next available as specified by the commissioner. Such temporary certificate shall be filed with the clerk of the local government for which the assessor serves and shall permit the assessor to continue in office for the period set forth therein. Upon the expiration of such temporary certificate and after a hearing as hereinabove provided, the appointment of an assessor shall be revoked in the case of an appointive assessor or such office shall become vacant in the case of an elective assessor unless the assessor has filed a certificate as hereinabove provided.

5. In any hearing conducted pursuant to this section, a statement signed by the secretary of the commissioner or other state office employee as designated by rule of the commissioner stating that he or she has made a diligent search of the records of the department and has found no record, entry or filing of a specified nature, shall be prima facie evidence that the records of the department contain no such record, entry or filing.

§ 326. Local government appraisal personnel. No person shall be employed by a local government and assigned professional appraisal duties which relate to the assessment of real property for purposes of taxation unless he or she meets the minimum qualification standards established by the commissioner. Such appraisal personnel shall attend courses of training and education prescribed by the commissioner under this title. Notwithstanding the provisions of this section or any other law, in a county which has the power to assess real property for purposes of taxation with one assessor appointed as provided in this title, the travel and other actual and necessary expenses incurred by appraisal personnel employed in the office of such assessor in attending courses of training as required by this section shall be a state charge upon audit by the comptroller.

§ 328. Option to change to single appointed assessor. In any city or

town which has retained the office of elective assessor, the legislative body of such city or town may adopt a local law providing that from and after a date set forth in such local law, which date must be within one year after the date on which such local law was adopted, there shall be but one assessor, to be appointed as provided in section three hundred ten of this title. The legislative body, in its discretion, may determine that a local law adopted pursuant to this section shall be subject to a mandatory or permissive referendum, or not subject to a referendum. Any such referendum shall be conducted in the manner prescribed in section twenty-three or twenty-four of the municipal home rule law, as the case may be. On December thirty-first of the year in which such local law shall take effect, the term or terms of all assessors then in office shall terminate.

§ 329. Option to change to sole elected assessor. In any city or town where the option to retain elective assessors was exercised in accordance with the provisions of former section fifteen hundred fifty-six of this chapter, the legislative body of such city or town may adopt a local law providing that from and after the first day of January first following the next biennial or general election at which the electors would vote for an assessor, there shall be but one assessor, to be elected at that election. The legislative body, in its discretion, may determine that a local law adopted pursuant to this section shall be subject to a mandatory or permissive referendum, or not subject to a referendum. Any such referendum shall be conducted in the manner prescribed in section twenty-three or twenty-four of the municipal home rule law, as the case may be. On December thirty-first of the year in which such local law shall take effect, the term or terms of all assessors then in office shall terminate.

§ 330. Adoption of local law. No "charter law", as such term is defined in section thirty-two of the municipal home rule law, nor local law shall be adopted which is inconsistent with the provisions of this title. No local law adopted pursuant to the provisions of this title shall be subject to a mandatory or permissive referendum except as

provided in section three hundred twenty-eight or three hundred twenty-nine of this title.

§ 332. Inconsistent laws inapplicable. Provisions of all general, special, local or other laws which are inconsistent with the provisions of this title shall be inapplicable to counties, cities and towns to which this title applies but if not inconsistent shall apply to such counties, cities and towns.

§ 334. Local governments to which title applies. 1. This title shall apply to all counties except counties wholly within a city and all cities and towns in the state except (a) a city with a population of five million or more, (b) a city or town in a county having the power to assess property for purposes of taxation.

2. The provisions of section three hundred ten of this title shall not be applicable to a county having the power to assess real property for tax purposes where on August first, nineteen hundred seventy such assessments were made by a board of assessors nor shall such section be applicable to a city with a population of one hundred thousand or more as of the federal census taken in the year nineteen hundred seventy. In the event that any county or city in a subsequent year meets the requirements of this subdivision, the provisions of section three hundred ten of this title shall continue to be applicable unless the legislative body of the county or city adopts a local law to provide that such section shall not be applicable to such county or city.

3. Notwithstanding the provisions of subdivision one of this section, the provisions of section three hundred thirty-six of this title shall apply to every assessing unit and consolidated assessing unit in this state.

4. Notwithstanding the provisions of subdivision two of this section, subdivision five of section three hundred ten of this title shall apply to the city of Albany on and after January first, two thousand nineteen,

provided that an assessor whose term commenced prior to January first, two thousand nineteen shall have until January first, two thousand twenty-one to complete requirements of paragraph (a) of such subdivision five.

§ 336. Statement of disclosure for assessors. 1. Definitions. When used in this section and unless otherwise expressly stated or unless the context otherwise requires:

a. The term "appropriate body" or "appropriate bodies" shall mean:

(i) in the case of any municipal corporation which has created or hereafter creates a board of ethics or conflicts of interests board which is in existence at the time an annual statement of disclosure is due, and which has been designated by local law, ordinance, or resolution to be the repository for completed statements of financial disclosure, such board of ethics or conflicts of interests board;

(ii) in the case of any municipal corporation which has created or hereafter creates a board of ethics or conflicts of interests board which is in existence at the time an annual statement of disclosure is due, and which has not been designated by local law, ordinance, or resolution to be the repository for completed statements of financial disclosure, such board of ethics or conflicts of interests board;

(iii) in the case of any municipal corporation for which no board of ethics or conflicts of interests board is in existence at the time an annual statement of disclosure is due, the clerk of the county in which such municipal corporation is located; and

(iv) in the case of a consolidated assessing unit, the board of directors thereof.

b. "Assessor" has the meaning defined therefor in subdivision three of section one hundred two of this chapter and includes any other municipal officer or employee engaged in the assessment of real property for purposes of taxation and also includes a municipal officer or employee assigned professional appraisal duties which relate to the assessment of real property for purposes of taxation.

c. "Statement of disclosure" shall mean a statement disclosing (i) the description of any real property owned by the assessor in the assessing unit or in any contiguous municipal corporation. For purposes of this subparagraph of disclosure, "property owned by" means any property in which the assessor has a financial interest in excess of one thousand dollars, whether such property is owned by the assessor directly or through a corporation in which the assessor is an officer or in which the assessor owns more than five percent of the shares. It shall be sufficient to meet the requirements for this item of disclosure if the assessor shall state the acreage of the property, the square footage of any structure on the property, the use whether residential or commercial to which the structure is put, the municipal corporation in which it is located, and the general section of the municipal corporation (north, south, east, west, center); (ii) the name of any employer and the position held; (iii) the name of any corporation of which the assessor is (A) an officer, director or employee, or (B) in which the assessor owns more than five percent of the shares and the position of the assessor; (iv) a description of any self-employment (if it provided more than two thousand dollars of gross income in the previous calendar year); (v) if the assessor is licensed to practice any profession by the state of New York, and the assessor practices such profession, the nature of the practice and the types of business in which the clients engage. For the purposes of this subparagraph of disclosure, it shall be sufficient to describe the types of business in which the clients engage as a broad category encompassing the majority of the assessor's clients; (vi) types of gifts, except gifts from relatives, of more than fifty dollars in value; (vii) persons or firms to whom money in the amount of more than one thousand dollars is owed not including credit cards or bank loans; and (viii) persons or firms, except relatives, who owe the assessor an amount in excess of one thousand dollars. With respect to any such subparagraph of disclosure, the assessor shall also provide information with respect to the members of the assessor's immediate family, unless, after a reasonable effort by the assessor, the spouse or other immediate family member refused to disclose such information, in which case, the statement shall so state such refusal. Such statement shall not require the disclosure of any values of property or amounts of compensation.

2. Posting of statute. The chief executive officer of each municipal corporation shall cause a copy of this section to be kept posted in a public building under the jurisdiction of his or her municipal corporation where public notices are generally posted in the municipal corporation. Failure to post any such copy shall have no effect on the duty of compliance with this section, nor with the enforcement of the provisions thereof.

3. Filing of statement of disclosure by assessors. Notwithstanding the provisions of any general, special, or local law to the contrary, each assessor, except an assessor who is compensated in an amount of less than twenty thousand dollars annually in the aggregate for serving as an assessor or who is required to file an annual statement of financial disclosure by an appropriate body as provided for in article eighteen of the general municipal law, shall file an annual statement of disclosure with the appropriate body, as defined in this section, on the fifteenth day of May. Such statement of disclosure shall contain the information and shall be in the form set forth hereinbelow:

1. Name_____
2. (a) Title of Position_____
- (b) Department, Agency or other Governmental Entity_____
- (c) Address of Present Office_____
- (d) Office Telephone Number_____
3. (a) If married, please give spouse's full name including maiden name where applicable.

(b) List the names of all unemancipated children.

Answer each of the following questions completely, with respect to the calendar year ending the December 31st preceding the date of filing of this statement of disclosure unless another period or date is otherwise specified. If additional space is needed, attach

additional pages.

1. Describe any real property in which you have a financial interest greater than \$1,000 (whether owned by you or owned through a corporation in which you are an officer or in which you own more than 5% of the shares) in the assessing unit or in any contiguous municipal corporation:

a. Acreage of the property:

b. Square footage of any structure or structures on the property:

c. Municipal corporation in which located:

d. General area of municipal corporation in which the property is located (north, south, east, west, central):

e. Use of structure (residential, commercial, industrial):

2. Name any employer other than the municipal corporation in which you are employed as assessor and the position you hold:

3. Name any corporation in which a) you are an officer, director or employee, or b) in which you own more than five percent of the shares and give your position in it:

4. Describe any self-employment (if it provided more than two thousand dollars of gross income in the previous calendar year):

5. If you are licensed to practice any profession by the state of New York, and you practice that profession, give the nature of the practice and the general types of business in which your clients engage:

a. Type of profession (e.g., lawyer, real estate broker, pharmacist):

b. General types of business in which a majority of your clients engage (e.g., real estate development, general practice, healthcare, general business):

6. Types of gifts, except gifts from immediate family or relatives within the third degree of consanguinity or affinity, of more than fifty dollars in value:

7. Persons or firms to whom money in the amount of more than one thousand dollars is owed not including credit cards or bank loans; and

8. Persons or firms, except relatives, who owe you an amount in excess of one thousand dollars.

4. Other laws. No local law, ordinance, or resolution shall be adopted

which is inconsistent with the provisions of this section.

TITLE 3

ASSESSORS AND ASSESSOR TRAINING IN CITIES WITH A POPULATION OF FIVE MILLION OR MORE

Section 350. Applicability.

352. Minimum qualification standards for assessors and appraisal personnel.

354. Certification of assessors.

356. Certification as eligible for the position of assessor.

358. Failure to obtain or maintain certification.

360. City appraisal personnel.

362. Adoption of local law.

364. Inconsistent laws inapplicable.

§ 350. Applicability. The provisions of this title shall apply to any city having a population of five million or more inhabitants. The term "city", as used in this title, shall mean any such city.

§ 352. Minimum qualification standards for assessors and appraisal personnel. The commissioner shall establish for cities to which this title applies minimum qualification standards for appointments to the positions of (a) chief or inferior assessor and (b) other administrative positions having professional appraisal duties relating to the assessment of real property for purposes of taxation. Such standards shall be set forth in rules and regulations promulgated by the commissioner.

§ 354. Certification of assessors. 1. Any person appointed to the office of chief or inferior assessor or city assessor shall be certified by the commissioner pursuant to this section within a maximum of three years after he or she commences his or her appointment or by April first, two thousand nine whichever date is later, unless he or she has

been previously certified by the commissioner and his or her certification has not expired.

2. An assessor shall be certified upon successful completion of the basic course of training and such examinations as may be prescribed by the commissioner. The basic course of training shall be prescribed by the commissioner based upon one or more general characteristics of the assessing units as the commissioner shall determine.

3. (a) An assessor may be certified by the commissioner if such person satisfies the minimum qualification standards established by the commissioner for assessors and passes a comprehensive examination conducted by the commissioner. The commissioner shall annually conduct examinations for such purpose. Examinations shall be of such character as to fairly test and determine knowledge, skills, and abilities necessary to perform the duties of assessor with respect to appraisal and assessment procedures, applicable laws, rules, and regulations and the size and complexity of assessing units. The number of courses, course credit hours and their complexity shall be no greater than the requirements established for other jurisdictions under section three hundred eighteen of this article. When applicable the basic course of training and examinations shall be consistently similar to other jurisdictions throughout the state.

(b) The commissioner may, in its discretion, waive any of the courses of training or may certify without examination any assessor, provided that such person is:

(i) an active member of the institute of assessing officers of the New York state assessor's association or is a member of the American institute of real estate appraisers; or

(ii) designated as a senior real property appraiser by the society of real estate appraisers; or

(iii) designated a certified assessment evaluator or an accredited assessment evaluator by the international association of assessing officers.

4. Notwithstanding the provisions of this subdivision or any other law, the travel and other actual and necessary expenses incurred by an

assessor, in satisfactorily completing courses of training as required by this title or as approved by the commissioner, including continuing education courses prescribed by the commissioner which are satisfactorily completed by any assessor, shall be a state charge upon audit by the comptroller. Candidates for certification as eligible for the position of assessor, other than assessors, shall be charged for the cost of training materials and shall be responsible for all other costs incurred by them in connection with such training.

5. In a city subject to this title, the travel and other actual and necessary expenses incurred by appraisal personnel employed in the office of such assessor in attending courses of training as required by this subdivision shall be a state charge upon audit by the comptroller.

6. To the extent funds are appropriated, all payments pursuant to this section shall be made from the local assistance account.

§ 356. Certification as eligible for the position of assessor. 1. Any person who is not an assessor may be certified as eligible for the position of assessor where such person:

(a) meets the minimum qualification standards prescribed by the commissioner for such purpose and successfully completes the basic course of training and passes an examination demonstrating successful completion of such course prescribed by the commissioner;

(b) meets the minimum qualification standards established by the commissioner for appointed assessors and passes an examination conducted by the commissioner for this purpose; or

(c) possesses a professional designation as described in paragraph (b) of subdivision three of section three hundred fifty-four of this title and the commissioner, in its discretion, waives any of the courses of training or examination.

2. Such certification shall specify that such person is eligible for the position of assessor in accordance with the classification of assessing units established by the commissioner pursuant to subdivision one of section three hundred fifty-four of this title. Certification as

eligible for the position of assessor shall be for a period of three years and may be renewed after the expiration of this period with or without examination in accordance with regulations established by the commissioner. Upon request by an assessing unit, the commissioner shall provide a list of candidates certified as eligible for the position of assessor pursuant to this section.

§ 358. Failure to obtain or maintain certification. 1. The commissioner shall conduct a hearing upon notice to the chief assessor and the clerk of the city for which the assessor serves, such hearing to be conducted within the city where the assessing unit is located no later than thirty days after delivery of such notice, where it appears that an assessor has failed:

(a) within the applicable period to file, with the clerk of the city for which the assessor serves, a certificate of the commissioner stating that he or she has fulfilled the requirements of section three hundred fifty-four of this title; or

(b) to file, with the clerk of the local government for which the assessor serves, a temporary certificate as provided in subdivision three of this section.

2. If, after such hearing, the commissioner finds that an assessor has failed to comply with any applicable requirements as stated in subdivision one of this section, the appointment of that assessor shall be revoked.

3. In the event that an assessor shall have been unable to enroll in or complete any course of continuing training and education for reasons beyond his or her control and, as a result thereof, is not certified, the commissioner may issue a temporary certificate which will enable the assessor to continue in office pending completion of such course at the earliest date when such course is next available as specified by the commissioner. Such temporary certificate shall be filed with the clerk of the city for which the assessor serves and shall permit the assessor to continue in office for the period set forth therein. Upon the expiration of such temporary certificate and after a hearing as

hereinabove provided, the appointment of an assessor shall be revoked in the case of an assessor unless the assessor has filed a certificate as hereinabove provided.

4. In any hearing conducted pursuant to this section, a statement signed by the commissioner stating that he or she has made a diligent search of the records of the department and has found no record, entry, or filing of a specified nature, shall be prima facie evidence that the records of the department contain no such record, entry, or filing.

§ 360. City appraisal personnel. No person shall be employed by a city and assigned professional appraisal duties which relate to the assessment or adjudication of real property for purposes of taxation unless he or she meets the minimum qualification standards established by the commissioner. Such appraisal personnel shall attend courses of training and education prescribed by the commissioner under this title. Notwithstanding the provisions of this section or any other law, the travel and other actual and necessary expenses incurred by such appraisal personnel employed in the office of such assessor in attending courses of training as required by this section shall be a state charge upon audit by the comptroller.

§ 362. Adoption of local law. No local law shall be adopted which is inconsistent with the provisions of this title.

§ 364. Inconsistent laws inapplicable. Provisions of all general, special, local or other laws which are inconsistent with the provisions of this title shall be inapplicable to cities to which this title applies, but if not inconsistent shall apply to such cities.

ARTICLE 4 EXEMPTIONS

Title 1. Public property.

- 2. Private property.
- 2-A. Railroad Real Property of Intrastate Railroad Companies.
- 2-B. Railroad Real Property of Interstate Railroad Companies.
- 2-C. Tax Exemption for Certain Industrial and Commercial Properties in a City of One Million or More Persons.
- 2-D. Tax exemption and deferral of tax payments for certain industrial and commercial properties in a city of one million or more persons.
- 2-E. Tax exemption for certain construction work on mixed-use property in cities having a population of one million or more.
- 2-F. Abatement of tax payments for certain industrial and commercial properties in a city of one million or more persons.
- 3. Miscellaneous provisions.
- 4. Tax abatement for certain commercial properties in a city of one million or more persons.
- 4-A. Tax abatement for certain commercial properties in a city of one million or more persons.
- 4-B. Green roof tax abatement for certain properties in a city of one million or more persons.
- 4-C. Solar electric generating system tax abatement for certain properties in a city of one million or more persons.
- 5. Assessment ceilings for local public utility mass real property.
- 6. Childcare center tax abatement for certain properties in a city having a population of one million or more.

TITLE 1

PUBLIC PROPERTY

- Section 400. United States.
- 402. United States or state property held under contract of sale.
- 404. State of New York.
- 406. Municipal corporations.
- 408. School districts and boards of cooperative educational

services.

410. Special districts.

410-a. Special districts.

410-b. Special water districts.

412. Public authorities.

412-a. Industrial development agencies.

412-b. Industrial development agency railroad property.

414. Public housing, publicly assisted housing and
limited-profit nursing homes.

416. United Nations.

418. Foreign governments.

§ 400. United States. 1. Real property owned by the United States shall be exempt from taxation, except as otherwise provided by the laws of the United States.

2. Real property occupied exclusively or in part by the United States pursuant to the provisions of the public buildings purchase contract act of nineteen hundred fifty-four (Public Law 519, 83rd Congress) shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter, during the period that the United States is required to make reimbursement for taxes payable on such property, provided that the United States enters into an agreement or agreements with the municipal corporation or corporations in which such properties are located, whereby it will undertake to pay a fair and reasonable sum annually on such property as taxes. Where a part of the property is so occupied by the United States, such part only shall be exempt and the remainder thereof shall be subject to taxation, special ad valorem levies and special assessments. The sums received by any municipal corporation pursuant to this subdivision shall be devoted to purposes to which taxes may be applied.

§ 402. United States or state property held under contract of sale.
1. Whenever the legal title of real property is in the United States,

or in the state of New York, but the use, occupation or possession thereof is in a person, partnership, association or corporation under a contract of sale or other agreement whereby a right to acquire the premises through an option, a first privilege or a first refusal is granted, or whereby upon one or more payments the legal title thereto is to be or may be acquired by such person, partnership, association or corporation, his or its interest in such real property shall be assessed and taxed as real property and shall be entered in the assessment roll in the same manner as if such person, partnership, association or corporation held the legal title to such property, except for the addition to the description of the words "interest under contract", "interest under option", or other appropriate words descriptive of the interest in the property so assessed. Such assessment shall be at the full value of such interest.

2. The assessors shall add to the assessment roll opposite the description of any such interest a notation stating that the real property itself so owned by the United States, or by the state, is not to be taxed. Every notice of sale or other process and every conveyance or other instrument affecting the title to any such property, consequent upon the non-payment of any such tax, shall contain a statement that such legal title is not sold or to be sold or affected.

3. The classification of such interest as real property for the purposes of taxation under this chapter shall not be affected by any provision of the contract or agreement under which the same is held.

§ 404. State of New York. 1. Real property owned by the state of New York or any department or agency thereof, including but not limited to real property described in subdivisions two and three of this section, whether heretofore or hereafter acquired or constructed, is and shall be deemed to have been and to be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter, except as otherwise provided in title two of article five of this chapter.

2. Real property owned by the New York state employees' retirement system acquired or constructed pursuant to subdivision h of section thirteen of the retirement and social security law shall be exempt from taxation.

3. Real property owned by the New York state teachers' retirement system acquired or constructed pursuant to subdivision eight of section five hundred eight of the education law shall be exempt from taxation.

§ 406. Municipal corporations. 1. Real property owned by a municipal corporation within its corporate limits held for a public use shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter.

2. Real property owned by a municipal corporation not within its corporate limits while used for the provision of fire protection services provided that some fire protection services are available to the municipal corporation in which the real property is located, for a public park, public aviation field, highway or for flood control and soil conservation purposes as provided in section two hundred twenty-three of the county law shall be exempt from taxation by any municipal corporation in which it is located, provided the governing board thereof shall so agree in writing.

3. Real property owned by a municipal corporation not within its corporate limits while used as a sewage disposal plant or system, including necessary connections and appurtenances, or real property owned by a municipal corporation having a population of less than one hundred thousand or a population of two hundred twenty-five thousand or more but less than three hundred thousand used as a water plant, pumping station, water treatment plant, water shed or reservoir, including necessary connections and appurtenances shall be wholly or partially exempt from taxation and wholly or partially exempt from special ad valorem levies and special assessments, by any municipal corporation in which located, provided the governing board thereof shall so agree in

writing.

4. The aqueducts which are a part of the water supply system of the city of New York shall be entitled to the exemption provided by law.

5. Real property owned by a municipal corporation acquired by tax deed, by referee's deed in tax foreclosure, pursuant to article eleven of this chapter or pursuant to a deed made in lieu of tax foreclosure shall be deemed to be held by it for a public use for a period of three years from the date of the deed and during such period shall be exempt from taxation and special ad valorem levies, but shall be liable for taxes for school purposes and special assessments. Any such property from which a municipal corporation is receiving revenue on the date of taxable status, however, shall not be so exempt.

6. County reforested lands shall be entitled to the exemption provided in the county law.

7. Real property owned by a municipal corporation on January first, nineteen hundred sixty-eight outside the boundaries of the municipal corporation shall be exempt from taxation where: (a) such property is used for public aviation purposes; and (b) is served by three or more major passenger air carriers; and (c) payments in lieu of real property taxes are paid in accordance herewith. The owning municipal corporation shall make payments in lieu of real property taxes to the county, town, school districts and villages in which it is located in an amount which will not be less than the amount of taxes finally determined to be payable pursuant to the law in effect on the effective date of this act or any agreement in effect on the effective date of this act made pursuant to law. The owning municipal corporation is hereby authorized and empowered to make payments in lieu of real property taxes in excess of the amounts required by this subdivision.

8. Real property owned by a municipal corporation not within its corporate limits while used for a municipal electrical generation and distribution system, including necessary connections and appurtenances, shall be wholly or partially exempt from taxation and wholly or

partially exempt from special ad valorem levies and special assessments, by any municipal corporation in which located, provided the governing board thereof shall so agree in writing.

§ 408. School districts and boards of cooperative educational services. Notwithstanding any limitation contained in section four hundred six of this chapter, all real property owned by a school district or board of cooperative educational services and all improvements thereon leased by such a district or board provided that such leased improvements are used for educational purposes and provided, further, that such lease provides that such district or board is liable for all taxation, special ad valorem levies and special assessments levied upon such improvements shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter.

§ 410. Special districts. Real property owned by a special district, or the property owners therein, within its boundaries used exclusively for the purpose for which such district was established shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter, except as otherwise provided in section two hundred seventy-two of the county law.

§ 410-a. Special districts. Real property owned by a special district, or the property owners therein, not within its district boundaries which is used as a sewage disposal plant or system, including necessary connections and appurtenances, or real property owned by a special district used as a water plant, pumping station, water treatment plant, or reservoir, including necessary connections and appurtenances, shall be wholly or partially exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter, by any municipal corporation in which located, providing the governing board thereof

shall so agree in writing.

§ 410-b. 1. Special water districts. Real property in the county of Oswego owned by a special water district, not within its district boundaries and used as a pumping station, water treatment plant, pipeline and/or reservoir, including all necessary connections and appurtenances, for purposes of drawing water from Lake Ontario, shall be wholly exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter if: (a) such special district makes available to customers within the county of Oswego at least twenty-five percent of the water drawn from Lake Ontario; (b) the municipal corporation in which such property is situated shall use or shall have created a special assessment district to use water from any of the facilities of said special water district; and (c) said special water district makes water available to any users in such municipal corporation or special assessment district at the same rate as it is supplied in the said special water district to users in the municipal corporation where the said special water district's pipeline first enters the special water district. As used herein, "rate" shall include all user charges and any charges imposed upon real property by the special water district for the cost of capital improvements.

2. Real property in the county of Cayuga owned by a special water district, not within its district boundaries and used or to be used as or for a pumping station, water treatment plant, pipeline and/or reservoir, including all necessary connections and appurtenances, for the purpose of supplying or drawing water from Lake Ontario, shall be wholly exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter if: (a) at any time hereafter, such special water district, at the request of the county of Cayuga, supplies to customers within the county of Cayuga water drawn from Lake Ontario, and (b) said special water district makes such water available to users in Cayuga county at the same rate as it is supplied to users in the most northwesterly town located within said special water district. As used

herein, "rate" shall include all user charges and any charges imposed upon real property by the special water district for the cost of capital improvements.

§ 412. Public authorities. Real property owned by public authorities enumerated in the public authorities law shall be entitled to such exemption as may be provided therein.

§ 412-a. Industrial development agencies. 1. Real property owned by or under the jurisdiction, supervision or control of industrial development agencies enumerated in the general municipal law shall be entitled to such exemption as may be provided therein.

2. Application for such exemption must be made by the agency on a form prescribed by the commissioner and shall be filed in the office of the assessor on or before the appropriate taxable status date for the year in which the exemption is first claimed. At such time, copies of such application shall be mailed or delivered to the chief elected official of each school district, city, county, town and village within which the project is located. Such application shall include an extract of the terms of any agreement relating to the project. No application shall be required in subsequent years unless the terms of the agreement are modified or changed.

§ 412-b. Industrial development agency railroad property. Railroad real property owned by or under the jurisdiction, supervision or control of an industrial development agency enumerated in the general municipal law which is leased by such agency to a railroad company shall be exempt from taxation to the extent provided in the general municipal law, and from special ad valorem levies and special assessments to the extent that the assessed valuation of such property exceeds the railroad ceiling of such property determined in accordance with the earnings ratio as prescribed in title two-A or two-B of this article on an assessment roll finally completed and filed in nineteen hundred

eighty-nine. For assessment rolls completed and filed after nineteen hundred eighty-nine, the assessor may adjust the assessment of such property to account for either physical changes to the property or a change in the level of assessment as determined by the commissioner. However, following a revaluation or update, the assessor shall assess such property without regard to the restrictions of this section.

§ 414. Public housing, publicly assisted housing and limited-profit nursing homes. Real property owned by a municipal housing authority and "war demobilization emergency housing" shall be entitled to the exemption provided in the public housing law. Real property owned by a limited-profit housing company, a limited dividend housing company or a housing development fund company shall be entitled to the exemption provided in the private housing finance law, except as otherwise provided in section four hundred twenty-two of this chapter. Real property owned by a limited-profit nursing home company shall be entitled to the exemption provided in the public health law.

§ 416. United Nations. Real property owned by the United Nations or of any world-wide international organization of which the United States shall be a member and which shall be established and shall provide international agencies in order to maintain international peace and security, develop friendly relations among nations and achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, by taking action which includes effective collective measures for the prevention and removal of threats to peace, for the suppression of acts of aggression or other breaches of the peace and for the bringing about by peaceful means, and in conformity with the principles of justice and international law, of the adjustment or settlement of international disputes or situations which might lead to a breach of the peace, exclusively used for the purpose of establishing and maintaining thereon headquarters for offices and for places of assembly for carrying on the functions of United Nations or other such world-wide international organization shall be exempt from taxation, special ad valorem levies

and special assessments. The exemption granted by this section shall continue with respect to such real property as long as it remains the property of the United Nations or any world-wide international organization as herein described and is used exclusively for the purpose of maintaining thereon headquarters for offices and places of assembly for carrying on the functions of the United Nations or such world-wide international organization, and no longer. Any building, each portion thereof, and the land on which such building is constructed, to the extent and from time to time constituting part or all of the reuse project defined in chapter three hundred forty-five of the laws of nineteen hundred sixty-eight, shall be exempt from real property taxation, provided that in connection with such reuse project, an agreement shall be entered into with the city of New York providing for payments in lieu of property taxes with respect to any space in such reuse project that is not used for carrying on the functions of the United Nations and is not used for purposes that satisfy the requirements for exemption from taxation under either section four hundred eighteen or section four hundred twenty-a of this article.

§ 418. Foreign governments. 1. Real property of a foreign government which is a member of the United Nations or any world-wide international organization as defined in section four hundred sixteen of this chapter, the legal title to which stands in the name of such foreign government or the principal resident representative or resident representative with the rank of ambassador or minister plenipotentiary of such foreign government to the United Nations or other such world-wide international organization, used exclusively for the purposes of maintaining offices or quarters, for such representatives, or offices for the staff of such representatives, shall be exempt from taxation, except levies made on a city-wide or borough-wide basis which are collectible with the real property tax, and special ad valorem levies to the extent provided in section four hundred ninety of this chapter. If a portion only of any lot or building of any such government or representative is used exclusively for the purposes herein described, then such portion only shall be exempt and the remainder shall be subject to taxation unless otherwise exempt from taxation by law. The

exemption granted by this section shall apply to taxes which become due and payable after the date such property is used for the purposes herein stated, and shall continue with respect to such property as long as it remains the property of such government and is used for the purposes herein stated and no longer.

2. If at any time (a) special ad valorem levies or special assessments levied against the property or (b) taxes with respect to the taxable portion of the property, if any, are in arrears, the exemption granted herein shall not apply until the arrears are fully paid.

TITLE 2

PRIVATE PROPERTY

- Section 420-a. Nonprofit organizations; mandatory class.
- 420-b. Nonprofit organizations; permissive class.
- 420-c. Exemption from local real property taxation of certain low income housing accommodations in a city having a population of one million or more.
- 421-a. Affordable New York Housing Program.
- 421-b. Exemption of certain private dwellings, multiple dwellings and improvements from local taxation; certain cases.
- 421-c. Exemption of certain new multiple dwellings from local taxation.
- 421-d. Exemption of multiple dwellings financed by the New York state housing finance agency from local taxation.
- 421-e. Exemption of cooperative, condominium, homesteading and rental projects from local taxation.
- 421-f. Exemption of capital improvements to residential buildings and certain new construction.
- 421-ff. Exemption of capital improvements to residential buildings in cities with a population between twenty-seven thousand five hundred and twenty-eight thousand based upon the two thousand ten federal census.

- 421-g. Exemption from local taxation of certain multiple dwellings.
- 421-h. Exemption of capital improvements to multiple dwelling buildings within certain cities.
- 421-h*2. Exemption of capital improvements to residential buildings.
- 421-i. Exemption of capital improvements to multiple dwelling buildings within certain cities.
- 421-i*2. Exemption of capital improvements to multiple dwelling buildings within certain cities.
- 421-j. Exemption of capital investment in multiple dwelling buildings within certain cities.
- 421-j*2. Exemption of capital improvements to multiple dwelling buildings within certain cities.
- 421-k. Exemption of certain multiple dwellings.
- 421-l. Exemption of capital improvements to residential buildings in certain towns.
- 421-m. Exemption of certain new or substantially rehabilitated multiple dwellings from local taxation.
- 421-n. Exemption of capital improvements to multiple dwelling buildings within certain cities.
- 421-o. Exemption of capital improvements to multiple dwelling buildings within certain cities.
- 421-o*2. Exemption of capital improvements to multiple dwelling buildings within certain cities.
- 421-p. Exemption of newly-constructed or converted rental multiple dwellings.
- 421-p.*2 Exemption of capital improvements to residential new construction involving the creation of accessory dwelling units.
- 421-pp. Exemption of newly converted or constructed fully income restricted rental multiple dwellings.
- 421-q. Exemption from taxation for capital improvements to residential buildings to reduce carbon emissions.
- 422. Not-for-profit housing companies.
- 423. Phase out of exemption for redevelopment company projects upon the cessation of the tax exemption

- granted pursuant to contract.
- 424. Institute of arts and sciences.
- 425. School tax relief (STAR) exemption.
- 425-a. Abatement of county taxes in special assessing units.
- 426. Opera houses.
- 427. Performing arts buildings.
- 428. Fraternal organizations; entire net income for education and relief of members.
- 429. Real property used for professional major league sports.
- 430. Interdenominational centers.
- 432. Theatrical corporations created by act of congress.
- 434. Academies of music.
- 436. Officers of religious denominations.
- 438. Trustees of a hospital, playground and library; hospital for benefit of a city.
- 440. Infant homes.
- 442. Soldiers monument corporations.
- 444. Historical societies.
- 444-a. Historic property.
- 446. Cemeteries.
- 450. Agricultural societies.
- 452. Veterans organizations.
- 454. Indians.
- 455. Exemption option.
- 456. Municipal railroads.
- 457. Exemption for first-time homebuyers of newly constructed homes.
- 457-a. Exemption for eligible residential property transferred to a low-income household.
- 458. Veterans.
- 458-a. Veteran; alternative exemption.
- 458-b. Exemption for Cold War veterans.
- 458-c. Improvements to property of severely injured members of the armed forces of the United States.
- 458-d. Combat zone service exemption.
- 459. Persons who are physically disabled.

- 459-a. Improvements to property made pursuant to the Americans with Disabilities Act of 1990.
- 459-b. Physically disabled crime victims.
- 459-c. Persons with disabilities and limited incomes.
- 460. Clergy.
- 462. Religious corporations; property used for residential purposes.
- 464. Incorporated associations of volunteer firefighters.
- 465. Volunteer auxiliary police officers; certain counties.
- 466. Volunteer firefighters and fire companies in villages.
- 466-a. Volunteer firefighters and volunteer ambulance workers; certain counties.
- 466-a*2. Volunteer firefighters and volunteer ambulance workers.
- 466-b. Volunteer firefighters and volunteer ambulance workers; certain additional counties.
- 466-c. Volunteer firefighters and volunteer ambulance workers; certain county.
- 466-c*2. Volunteer firefighters and volunteer ambulance workers; certain counties.
- 466-c*3. Volunteer firefighters and volunteer ambulance workers; certain county.
- 466-c*4. Volunteer firefighters and volunteer ambulance workers; certain county.
- 466-c*5. Volunteer firefighters and volunteer ambulance workers; exemption.
- 466-c*6. Volunteer firefighters and volunteer ambulance workers; certain counties.
- 466-c*7. Volunteer firefighters and volunteer ambulance workers; certain county.
- 466-d. Volunteer firefighters and volunteer ambulance workers; certain county.
- 466-d*2. Volunteer firefighters and volunteer ambulance workers; certain county.
- 466-d*3. Volunteer firefighters and volunteer ambulance workers.
- 466-d*4. Volunteer firefighters and volunteer ambulance workers; certain counties.
- 466-e. Volunteer firefighters and volunteer ambulance workers;

- certain county.
- 466-e*2. Volunteer firefighters and volunteer ambulance workers;
certain county.
- 466-e*3. Volunteer firefighters and volunteer ambulance workers;
certain county.
- 466-e*4. Volunteer firefighters and volunteer ambulance workers;
certain county.
- 466-f. Volunteer firefighters and volunteer ambulance workers;
certain county.
- 466-f*2. Volunteer firefighters and volunteer ambulance workers;
certain county.
- 466-f*3. Volunteer firefighters and volunteer ambulance workers;
certain counties.
- 466-f*4. Volunteer firefighters and volunteer ambulance workers;
certain county.
- 466-f*5. Un-remarried spouses of volunteer firefighters or
volunteer ambulance workers killed in the line of
duty.
- 466-g. Volunteer firefighters and volunteer ambulance workers;
certain county.
- 466-g*2. Volunteer firefighters and volunteer ambulance workers;
certain county.
- 466-h. Volunteer firefighters and volunteer ambulance workers;
certain county.
- 466-h*2. Un-remarried spouses of deceased volunteer firefighters
or volunteer ambulance workers.
- 466-i. Volunteer firefighters and volunteer ambulance workers;
certain counties.
- 466-j. Volunteer firefighters and volunteer ambulance workers;
certain county.
- 466-k. Volunteer firefighters and volunteer ambulance workers;
certain county.
- 466-l. Extension of benefits.
- 466-m. Ocean rescue squad members in certain municipalities.
- 466-n. Ocean rescue squad members; certain municipalities.
- 467. Persons sixty-five years of age or over.
- 467-a. Partial tax abatement for residential real property

- held in the cooperative or condominium form of ownership in a city having a population of one million or more.
- 467-b. Tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities.
 - 467-c. Exemption for property owned by certain housing companies and occupied by senior citizens or persons with disabilities.
 - 467-d. Assessment exemption for certain living quarters constructed to be occupied by a senior citizen or disabled individual.
 - 467-e. Rebate for owners or tenant-stockholders of one, two or three family residences or residential property held in the condominium or cooperative form of ownership in a city having a population of one million or more.
 - 467-f. Protective and safety devices tax abatement.
 - 467-g. Rebate for owners of certain real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve in a city having a population of one million or more.
 - 467-h. Partial abatement for certain rebuilt real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve in a city having a population of one million or more.
 - 467-i. Real property tax abatement.
 - 467-j. Exemption for certain residential properties located in certain counties.
 - 467-k. Senior citizen longtime resident exemption.
 - 467-k*2. Exemption for certain residential property required to participate in the federal flood insurance program.
 - 467-l. Rebate for owners of certain real property in the city of New York.
 - 467-m. Exemption from local real property taxation of certain multiple dwellings in a city having a population of

- one million or more.
- 467-n. Assessment relief for disasters.
- 468. Fire patrol and salvage corps.
- 469. Assessment exemption for living quarters for parent or grandparent.
- 470. Exemption for improvements to real property meeting certification standards for green buildings.
- 471. Surviving spouses of police officers killed in the line of duty.
- 472. Pharmaceutical societies.
- 474. Dental societies.
- 476-a. Railroad passenger stations.
- 477. Tax exemption for industrial waste treatment facilities.
- 477-a. Tax exemption for air pollution control facilities.
- 478. Tax exemption for off-street parking facilities providing underground shelters.
- 479. Fallout shelter facilities.
- 480. Forest and reforested lands.
- 480-a. Taxation of forest land.
- 481. Taxation of land used for agricultural production.
- 482. Quarantined lands.
- 483. Exemption from taxation of structures and buildings essential to the operation of agricultural and horticultural lands.
- 483-a. Farm silos, farm feed grain storage bins, commodity sheds, bulk milk tanks and coolers, and manure storage and handling facilities.
- 483-b. Historic barns.
- 483-c. Temporary greenhouses.
- 483-d. Farm or food processing labor camps or commissaries.
- 483-e. Anaerobic digestion facilities.
- 484. Urban redevelopment corporations and companies.
- 485. Nuclear powered electric generating facilities.
- 485-a. Residential-commercial urban exemption program.
- 485-b. Business investment exemption.
- 485-c. Exemption from taxation of real property used in

manufacture of steel in cities of fifty thousand or more persons.

- 485-d. Water-works corporations.
- 485-e. Empire zone exemption.
- 485-f. Banking development districts.
- 485-g. Infrastructure exemption.
- 485-h. Residential investment exemption; certain cities.
- 485-i. Residential investment exemption; certain school districts.
- 485-i*2. Residential investment exemption; certain cities.
- 485-j. Residential property improvement exemption; certain cities.
- 485-j*2. Residential investment exemption; certain cities.
- 485-j*3. Residential investment exemption; certain cities and school districts.
- 485-j*4. Residential investment exemption; certain cities.
- 485-j*5. Residential investment exemption; certain cities.
- 485-k. Residential investment exemption; certain school districts.
- 485-l. Residential property improvement; certain towns.
- 485-l*2. Residential investment exemption; certain school districts.
- 485-m. Residential investment exemption; certain school districts.
- 485-n. Residential-commercial exemption program.
- 485-o. New residential property exemption; certain cities.
- 485-p. Economic transformation area exemption.
- 485-q. Residential investment exemption; certain cities.
- 485-r. Residential redevelopment inhibited property exemption; certain cities.
- 485-s. Residential reassessment exemption.
- 485-s*2. Residential reassessment exemption.
- 485-s*3. Mixed use exemption program for villages.
- 485-t. Owner occupied residential property exemption program.
- 485-u. Class one reassessment exemption.
- 485-v. Residential revaluation exemption.
- 485-v*2. Residential and mixed-use investment exemption; certain

- cities and school districts.
- 485-w. Newly constructed single-family and multi-family residential exemption; certain villages.
- 485-x. Affordable neighborhoods for New Yorkers tax incentive.
- 485-y. Vacant residential real property improvement exemption; certain cities.
- 486. Non-profit medical and dental indemnity, or hospital service corporations.
- 486-a. Non-profit corporations operating as health maintenance organizations.
- 487. Exemption from taxation for certain energy systems.
- 487-a. Exemption from taxation of conservation improvements to certain residential premises.
- 488. Retirement systems.
- 488-a. Rehabilitation of certain class B multiple dwellings and class A multiple dwellings used for single room occupancy.
- 489. Exemption from taxation of alterations and improvements to multiple dwellings to eliminate fire and health hazards; abatement.

§ 420-a. Nonprofit organizations; mandatory class. 1. (a) Real property owned by a corporation or association organized or conducted exclusively for religious, charitable, hospital, educational, or moral or mental improvement of men, women or children purposes, or for two or more such purposes, and used exclusively for carrying out thereupon one or more of such purposes either by the owning corporation or association or by another such corporation or association as hereinafter provided shall be exempt from taxation as provided in this section.

(b) Real property such as specified in paragraph (a) of this subdivision shall not be exempt if any officer, member or employee of the owning corporation or association shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes, or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof for any such avowed purposes be

a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association or for any of its members or employees; or if it be not in good faith organized or conducted exclusively for one or more of such purposes.

2. If any portion of such real property is not so used exclusively to carry out thereupon one or more of such purposes but is leased or otherwise used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be exempt; provided, however, that such real property shall be fully exempt from taxation although it or a portion thereof is used (a) for purposes which are exempt pursuant to this section or sections four hundred twenty-b, four hundred twenty-two, four hundred twenty-four, four hundred twenty-six, four hundred twenty-eight, four hundred thirty or four hundred fifty of this chapter by another corporation which owns real property exempt from taxation pursuant to such sections or whose real property if it owned any would be exempt from taxation pursuant to such sections, (b) for purposes which are exempt pursuant to section four hundred six or section four hundred eight of this chapter by a corporation which owns real property exempt from taxation pursuant to such section or if it owned any would be exempt from taxation pursuant to such section, (c) for purposes which are exempt pursuant to section four hundred sixteen of this chapter by an organization which owns real property exempt from taxation pursuant to such section or whose real property if it owned any would be exempt from taxation pursuant to such section, (d) for purposes relating to civil defense pursuant to the New York state defense emergency act, including but not limited to activities in preparation for anticipated attack, during attack, or following attack or false warning thereof, or in connection with drill or test ordered or directed by civil defense authorities, or (e) for purposes of a tax-free NY area that has been approved pursuant to article twenty-one of the economic development law, subject to the conditions that the real property must have been owned by the corporation or association organized exclusively for educational purposes and exempt pursuant to this section on June first, two thousand thirteen, and that the exemption shall apply only to the portion of such real property that is used for purposes of the START-UP NY program; and provided further that such real property shall

be exempt from taxation only so long as it or a portion thereof, as the case may be, is devoted to such exempt purposes and so long as any moneys paid for such use do not exceed the amount of the carrying, maintenance and depreciation charges of the property or portion thereof, as the case may be.

3. Such real property from which no revenue is derived shall be exempt though not in actual use therefor by reason of the absence of suitable buildings or improvements thereon if (a) the construction of such buildings or improvements is in progress or is in good faith contemplated by such corporation or association or (b) such real property is held by such corporation or association upon condition that the title thereto shall revert in case any building not intended and suitable for one or more such purposes shall be erected upon such premises or some part thereof.

4. Such real property shall be so exempt although it is used as a polling place upon days of registration and election.

5. Such real property owned and actually used for hospital purposes by a free public hospital which depends for maintenance and support upon voluntary charity, shall be so exempt from taxation although a portion thereof is leased or otherwise used for the purposes of income, if such income is necessary for and is actually applied to the maintenance and support of such hospital.

6. Such real property outside a city owned by a free public library or held in trust by an educational corporation for free library purposes shall be so exempt from taxation although a portion thereof is leased or otherwise used for purposes of income, if such income is necessary for and is actually applied to the maintenance and support of such library.

7. Real property which was, on the first day of January, nineteen hundred eighty-three owned for more than one hundred years by a corporation organized exclusively for purposes specified in subdivision one of this section under a grant or devise and a special charter granted by the legislature of the state of New York subject to

conditions which raise doubt as to the power of such corporation to convey fee title to the property shall, if the property is used exclusively for educational purposes by an educational corporation which owns real property exempt from taxation, or whose real property if it owned any would be exempt from taxation, as lessee for a term of not less than twenty-five years and if such lease were in effect on the first day of January, nineteen hundred eighty-three and requires the lessee to pay all taxes levied against the property, be exempt from taxation to the same extent and subject to the same conditions and exceptions as property owned and used for educational purposes by a corporation organized exclusively for educational purposes, regardless of whether the moneys paid to the lessor by the lessee are limited to the amount of the carrying, maintenance and depreciation charges of the property.

8. Real property exempt from taxation pursuant to this section shall also be exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter.

9. In addition to the exemption provided in this section, any stadium facility owned by a corporation organized exclusively for educational purposes which is constructed in whole or in substantial part with state funds shall be exempt from taxation notwithstanding its use by the state, by a municipal corporation for a public use, or by or for not-for-profit organizations.

10. Real property, which on the first day of January, nineteen hundred ninety was exempt from real property taxation pursuant to this section by reason of the ownership and use of such property by a corporation organized exclusively for educational purposes, and which the fee title to such property is conveyed prior to June thirtieth, nineteen hundred ninety-one to a governmental entity, shall be exempt from taxation; provided that (a) as a condition of such conveyance such property is leased, for a term or terms exceeding one hundred years, to an educational corporation whose real property, when used for educational purposes, is exempt from taxation, and (b) such property shall continue to be used by such corporation exclusively for educational purposes

subject to the same conditions and exceptions as property owned and used for educational purposes by a corporation organized exclusively for such purposes.

11. An exemption may be granted pursuant to this section upon application by the owner on a form prescribed by the commissioner or any comparable form, which application may be filed with the assessor of the appropriate county, city, town or village on or before the applicable taxable status date. Where the assessor receives no such application, the assessor may nevertheless grant the exemption provided the assessor personally inspects the property and certifies in writing that it satisfies all of the requirements for exemption set forth in this section. Where property is not granted an exemption pursuant to this section, the owner may seek judicial review pursuant to article seven of this chapter or article seventy-eight of the civil practice law and rules.

12. Notwithstanding any provision of this chapter or any other law to the contrary, real property, the fee title to which was acquired on March twenty-third, nineteen hundred ninety-four pursuant to a mortgage foreclosure sale conducted by the federal deposit insurance corporation, by a corporation or association organized exclusively for educational purposes, and which was used exclusively by such corporation or association for carrying out thereupon educational purposes during the period beginning on the date the fee title was acquired by such corporation or association and ending on June thirtieth, nineteen hundred ninety-five, shall be exempt from taxation for such period as provided in this section. The city of New York may negotiate and execute with the owner of real property in the city of New York qualifying for exemption under this subdivision, an agreement for the payment of unpaid real property taxes and interest thereon that accrued on such property prior to the date on which the fee title to such property was acquired by such owner. Notwithstanding any provision of this chapter or the administrative code of the city of New York or any other law to the contrary, such agreement may require that payment of such taxes and interest thereon be made in quarterly installments over a period not to exceed thirty years.

13. Notwithstanding any provision of this chapter or any other law to the contrary, real property, the fee title to which was acquired on March twenty-third, nineteen hundred ninety-four pursuant to a mortgage foreclosure sale conducted by the federal deposit insurance corporation by a corporation or association organized exclusively for educational purposes, and which has been used exclusively by such corporation or association for carrying out thereupon educational purposes since the date on which the fee title was acquired by such corporation or association, and is currently being used for such purposes, shall be exempt from taxation as provided in this section and the city of New York may cancel and annul any unpaid real property taxes that accrued on such real property prior to the date on which the fee title to such property was acquired by such owner together with any interest accruing on such unpaid real property taxes.

14. Notwithstanding any provision of this chapter or any other law to the contrary, real property in block 1175 in the county of Kings leased to the unified court system for the establishment and operation of a court officer academy authorized pursuant to section two hundred nineteen-b of the judiciary law shall be exempt from taxation for the duration of such lease provided that such property shall be used for such purpose and provided that title to such property shall not be conveyed to another owner at any time during the duration of such lease.

15. Notwithstanding any provision of this chapter or any other law to the contrary, real property in block 1272 in the borough of Brooklyn, the fee title to which was acquired in 1997 or 1998 in order to establish a museum and center for children by a not-for-profit corporation or association organized exclusively for charitable purposes, and which has been used exclusively by such corporation or association for carrying out thereupon charitable purposes since the date on which the fee title was acquired by such corporation or association, shall be exempt from taxation as provided in this section and the city of New York may cancel and annul any unpaid real property taxes that accrued on such real property prior to the date on which the fee title to such property was acquired by such owner together with any

interest accruing such unpaid real property taxes.

16. (a) (i) For the purposes of this subdivision, "municipal corporation" shall mean a county, city, town, village or school district which, after public hearing, adopts a local law, ordinance or resolution, providing that this subdivision shall be applicable to nonprofit organizations within its jurisdiction. Such local law, ordinance or resolution shall apply to property transfers occurring on or after the effective date of such local law, ordinance or resolution. A copy of such local law, ordinance or resolution shall be filed with the commissioner.

(ii) Where a nonprofit organization that meets the requirements for an exemption pursuant to this section, purchases property after the levy of taxes, such nonprofit organization may, if permitted by a local law, ordinance or resolution of the municipal corporation in which the nonprofit organization is located, file an application for exemption with the assessor no later than the time specified in such local law, ordinance or resolution. The assessor shall make a determination of whether the parcel would have qualified for exempt status on the tax roll on which the taxes were levied, had title to the parcel been in the name of the applicant on the taxable status date applicable to the tax roll. The application shall be on a form prescribed by the commissioner. The assessor, no later than thirty days after receipt of such application, shall notify both the applicant and the board of assessment review, by first class mail, of the exempt amount, if any, and the right of the owner to a review of the exempt amount upon the filing of a written complaint. Such complaint shall be on a form prescribed by the commissioner and shall be filed with the board of assessment review within twenty days of the mailing of such notice. If no complaint is received, the board of assessment review shall so notify the assessor and the exempt amount determined by the assessor shall be final. If the applicant files a complaint, the board of assessment review shall schedule a time and place for a hearing with respect thereto no later than thirty days after the mailing of the notice by the assessor. The board of assessment review shall meet and determine the exempt amount, and shall immediately notify the assessor and the applicant, by first class mail, of its determination. The amount of exemption determined

pursuant to this paragraph shall be subject to review as provided in article seven of this chapter. Such a proceeding shall be commenced within thirty days of the mailing of the notice of the board of assessment review to the new owner as provided in this paragraph.

(iii) Upon receipt of a determination of the exempt amount as provided in subparagraph (ii) of this paragraph, the assessor shall determine the pro rata exemption to be credited toward such property by multiplying the tax rate or tax rates for each municipal corporation which levied taxes, or for which taxes were levied, on the appropriate tax roll used for the fiscal year or years during which the transfer occurred times the exempt amount, as determined in subparagraph (ii) of this paragraph, times the fraction of each fiscal year or years remaining subsequent to the transfer of title. The assessor shall immediately transmit a statement of the pro rata exemption credit due to each municipal corporation which levied taxes or for which taxes were levied on the tax roll used for the fiscal year or years during which the transfer occurred and to the applicant.

(iv) Each municipal corporation which receives notice of pro rata exemption credits pursuant to this subdivision shall include an appropriation in its budget for the next fiscal year equal to the aggregate amount of such credits to be applied in that fiscal year. Where a parcel, the owner of which is entitled to a pro rata exemption credit, is subject to taxation in said next fiscal year, the receiver or collector shall apply the credit to reduce the amount of taxes owed for the parcel in such fiscal year. Pro rata exemption credits in excess of the amount of taxes, if any, owed for the parcel shall be paid by the treasurer of a municipal corporation which levies such taxes for or on behalf of the municipal corporation to all owners of property entitled to such credits within thirty days of the expiration of the warrant to collect taxes in said next fiscal year. Notwithstanding the foregoing, where the municipal corporation has been reimbursed by another municipal corporation for the tax credit to be paid to the owner pursuant to this subdivision, such credit shall be paid to such municipal corporation instead of such owner.

(b) (i) Notwithstanding the provisions of this section, where a nonprofit organization that meets the requirements for an exemption pursuant to this section, purchases property after the taxable status

date but prior to the levy of taxes, such nonprofit organization may, if permitted by a local law, ordinance or resolution of the municipal corporation in which the nonprofit organization is located, file an application for an exemption with the assessor within thirty days of the transfer of title to such nonprofit organization. The assessor shall make a determination within thirty days after receipt of such application of whether the applicant would qualify for an exemption pursuant to this section on the assessment roll if title had been in the name of the applicant on the taxable status date applicable to such assessment roll. The application shall be made on a form prescribed by the commissioner.

(ii) If the assessor's determination is made prior to the filing of the tentative assessment roll, the assessor shall enter the exempt amount, if any, on the tentative assessment roll and, within ten days after filing such roll, notify the applicant of the approval or denial of such exemption, the exempt amount, if any, and the applicant's right to review by the board of assessment review.

(iii) If the assessor's determination is made after the filing of the tentative assessment roll, the assessor shall petition the board of assessment review to correct the tentative or final assessment roll in the manner provided in title three of article five of this chapter, with respect to unlawful entries, in the case of wholly exempt parcels, and with respect of clerical errors, in the case of partially exempt parcels, if the assessor determines that an exemption should be granted and, within ten days of petitioning the board of assessment review, notify the applicant of the approval or denial of such exemption, the amount of such exemption, if any, and the applicant's right to administrative or judicial review of such determination pursuant to article five or seven of this chapter, respectively.

(c) If, for any reason, a determination to exempt property from taxation as provided in paragraph (b) of this subdivision is not entered on the final assessment roll, the assessor shall petition the board of assessment review to correct the final assessment roll.

(d) If, for any reason, the pro rata tax credit as provided in paragraph (a) of this subdivision is not extended against the tax roll immediately succeeding the fiscal year during which the transfer occurred, the assessor shall immediately notify the municipal

corporation which levied the tax or for which the taxes were levied of the amount of pro rata exemption credits for the year in which such transfer occurred. Such municipal corporation shall proceed as provided in subparagraph (iv) of paragraph (a) of this subdivision.

(e) If, for any reason, a determination to exempt property from taxation as provided in paragraph (b) of this subdivision is not entered on the tax roll for the year immediately succeeding the fiscal year during which the transfer occurred, the assessor shall determine the pro rata tax exemption credit for such tax roll by multiplying the tax rate or tax rates for each municipal corporation which levied taxes or for which taxes were levied times the exempt amount and shall immediately notify such municipal corporation or corporations of the pro rata exemption credits for such tax roll. Such municipal corporation shall add such pro rata exemption credits for such property to any outstanding pro rata exemption amounts and proceed as provided in subparagraph (iv) of paragraph (a) of this subdivision.

§ 420-b. Nonprofit organizations; permissive class. 1. (a) Real property owned by a corporation or association which is organized exclusively for bible, tract, benevolent, missionary, infirmity, public playground, scientific, literary, bar association, medical society, library, patriotic or historical purposes, for the development of good sportsmanship for persons under the age of eighteen years through the conduct of supervised athletic games, for the enforcement of laws relating to children or animals, or for two or more such purposes, and used exclusively for carrying out thereupon one or more of such purposes either by the owning corporation or association, or by another such corporation or association as hereinafter provided, shall be exempt from taxation; provided, however, that such property shall be taxable by any municipal corporation within which it is located if the governing board of such municipal corporation, after public hearing, adopts a local law, ordinance or resolution so providing. None of the following subdivisions of this section providing that certain properties shall be exempt under circumstances or conditions set forth in such subdivisions shall exempt such property from taxation by a municipal corporation whose governing board has adopted a local law, ordinance or resolution providing that

such property shall be taxable pursuant to this subdivision.

(b) No local law, ordinance or resolution adopted pursuant to this subdivision shall provide for the taxation of any particular property or owner. Any such local law, ordinance or resolution shall apply alike to all property owned by any corporation or association organized for one or more of the purposes specified in such local law, ordinance or resolution, and used for carrying out thereupon one or more of such purposes. Any purpose so specified in the local law, ordinance or resolution must be one of the purposes listed in paragraph (a) of this subdivision, but the purposes so specified in the local law, ordinance or resolution need not include all the purposes listed in said paragraph. Any local law, ordinance or resolution adopted pursuant to this subdivision may be amended or repealed.

(c) Real property such as specified in paragraph (a) of this subdivision shall not be exempt if any officer, member or employee of the owning corporation or association shall receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes, or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof for any such avowed purposes be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association or for any of its members or employees; or if it be not in good faith organized exclusively for one or more of such purposes.

2. If any portion of such real property is not so used exclusively to carry out thereupon one or more of the purposes listed in subdivision one of this section, but is (a) leased or (b) otherwise used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be exempt; provided, however, that such real property shall be fully exempt from taxation although it or a portion thereof is used (a) for purposes which are exempt pursuant to this section or sections four hundred twenty-a, four hundred twenty-two, four hundred twenty-four, four hundred twenty-six, four hundred twenty-eight, four hundred thirty or four hundred fifty of this article by another corporation which owns real property exempt from taxation pursuant to such sections or whose real property if it owned any would be exempt from taxation pursuant to such sections, (b) for purposes which are

exempt pursuant to section four hundred six or section four hundred eight of this chapter by a corporation which owns real property exempt from taxation pursuant to such section, (c) for purposes which are exempt pursuant to section four hundred sixteen of this chapter by an organization which owns real property exempt from taxation pursuant to such section or whose real property if it owned any would be exempt from taxation pursuant to such section or (d) for purposes relating to civil defense pursuant to the New York state defense emergency act, including but not limited to activities in preparation for anticipated attack, during attack, or following attack or false warning thereof, or in connection with drill or test ordered or directed by civil defense authorities; and provided further that such real property shall be exempt from taxation only so long as it or a portion thereof, as the case may be, is devoted to such exempt purposes and so long as any moneys paid for such use do not exceed the amount of carrying, maintenance and depreciation charges of the property or portion thereof, as the case may be.

3. Such real property from which no revenue is derived shall be exempt though not in actual use therefor by reason of the absence of suitable buildings or improvements thereon if (a) the construction of such buildings or improvements is in progress or is in good faith contemplated by such corporation or association or (b) such real property is held by such corporation or association upon condition that the title thereto shall revert in case any building not intended and suitable for one or more of such purposes shall be erected upon such premises or some part thereof.

4. Such real property shall be so exempt although it is used as a polling place upon days of registration and election.

5. Such real property outside a city owned by a free public library or held in trust by an educational corporation for free library purposes shall be so exempt from taxation although a portion thereof is leased or otherwise used for purposes of income, if such income is necessary for and is actually applied to the maintenance and support of such library.

6. Real property exempt pursuant to this section from taxation by all municipal corporations within which it is located shall also be exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter. Real property which is taxable by one or more, but not all, of the municipal corporations within which it is located, pursuant to subdivision one of this section shall also be exempt from such levies and assessments to the same extent except that:

such real property taxable by a town shall be subject to any such levies and assessments which are imposed to defray the costs of improvements or services furnished by the town or by a special district established pursuant to the town law;

such real property taxable by a county shall be subject to any such levies and assessments which are imposed to defray the costs of improvements or services furnished by the county or by a special district established pursuant to the county law; and

such real property taxable by a city shall be subject to any such levies and assessments which are imposed to defray the cost of improvements or service furnished by the city.

7. An exemption may be granted pursuant to this section only upon application made by the owner of the property on a form prescribed by the commissioner. The application shall be filed with the assessor of the appropriate county, city, town or village on or before the taxable status date of such county, city, town or village.

8. (a) (i) For the purposes of this subdivision, "municipal corporation" shall mean a county, city, town, village or school district which, after public hearing, adopts a local law, ordinance or resolution, providing that this subdivision shall be applicable to nonprofit organizations within its jurisdiction. Such local law, ordinance or resolution shall apply to property transfers occurring on or after the effective date of such local law, ordinance or resolution. A copy of such local law, ordinance or resolution shall be filed with

the commissioner.

(ii) Where a nonprofit organization that meets the requirements for an exemption pursuant to this section, purchases property after the levy of taxes, such nonprofit organization may file, if permitted by a local law, ordinance or resolution of the municipal corporation in which the nonprofit organization is located, an application for exemption with the assessor no later than the time specified in such local law, ordinance or resolution. The assessor shall make a determination of whether the parcel would have qualified for exempt status on the tax roll on which the taxes were levied, had title to the parcel been in the name of the applicant on the taxable status date applicable to the tax roll. The application shall be on a form prescribed by the commissioner. The assessor, no later than thirty days after receipt of such application, shall notify both the applicant and the board of assessment review, by first class mail, of the exempt amount, if any, and the right of the owner to a review of the exempt amount upon the filing of a written complaint. Such complaint shall be on a form prescribed by the commissioner and shall be filed with the board of assessment review within twenty days of the mailing of such notice. If no complaint is received, the board of assessment review shall so notify the assessor and the exempt amount determined by the assessor shall be final. If the applicant files a complaint, the board of assessment review shall schedule a time and place for a hearing with respect thereto no later than thirty days after the mailing of the notice by the assessor. The board of assessment review shall meet and determine the exempt amount, and shall immediately notify the assessor and the applicant, by first class mail, of its determination. The amount of exemption determined pursuant to this paragraph shall be subject to review as provided in article seven of this chapter. Such a proceeding shall be commenced within thirty days of the mailing of the notice of the board of assessment review to the new owner as provided in this paragraph.

(iii) Upon receipt of a determination of the exempt amount as provided in subparagraph (ii) of this paragraph, the assessor shall determine the pro rata exemption to be credited toward such property by multiplying the tax rate or tax rates for each municipal corporation which levied taxes, or for which taxes were levied, on the appropriate tax roll used for the fiscal year or years during which the transfer occurred times

the exempt amount, as determined in subparagraph (ii) of this paragraph, times the fraction of each fiscal year or years remaining subsequent to the transfer of title. The assessor shall immediately transmit a statement of the pro rata exemption credit due to each municipal corporation which levied taxes or for which taxes were levied on the tax roll used for the fiscal year or years during which the transfer occurred and to the applicant.

(iv) Each municipal corporation which receives notice of pro rata exemption credits pursuant to this subdivision shall include an appropriation in its budget for the next fiscal year equal to the aggregate amount of such credits to be applied in that fiscal year. Where a parcel, the owner of which is entitled to a pro rata exemption credit, is subject to taxation in said next fiscal year, the receiver or collector shall apply the credit to reduce the amount of taxes owed for the parcel in such fiscal year. Pro rata exemption credits in excess of the amount of taxes, if any, owed for the parcel shall be paid by the treasurer of a municipal corporation which levies such taxes for or on behalf of the municipal corporation to all owners of property entitled to such credits within thirty days of the expiration of the warrant to collect taxes in said next fiscal year. Notwithstanding the foregoing, where the municipal corporation has been reimbursed by another municipal corporation for the tax credit to be paid to the owner pursuant to this subdivision, such credit shall be paid to such municipal corporation instead of such owner.

(b) (i) Notwithstanding the provisions of this section, where a nonprofit organization that meets the requirements for an exemption pursuant to this section, purchases property after the taxable status date but prior to the levy of taxes, such nonprofit organization may, if permitted by a local law, ordinance or resolution of the municipal corporation in which the nonprofit organization is located, file an application for an exemption with the assessor within thirty days of the transfer of title to such nonprofit organization. The assessor shall make a determination within thirty days after receipt of such application of whether the applicant would qualify for an exemption pursuant to this section on the assessment roll if title had been in the name of the applicant on the taxable status date applicable to such assessment roll. The application shall be made on a form prescribed by

the commissioner.

(ii) If the assessor's determination is made prior to the filing of the tentative assessment roll, the assessor shall enter the exempt amount, if any, on the tentative assessment roll and, within ten days after filing such roll, notify the applicant of the approval or denial of such exemption, the exempt amount, if any, and the applicant's right to review by the board of assessment review.

(iii) If the assessor's determination is made after the filing of the tentative assessment roll, the assessor shall petition the board of assessment review to correct the tentative or final assessment roll in the manner provided in title three of article five of this chapter, with respect to unlawful entries, in the case of wholly exempt parcels, and with respect of clerical errors, in the case of partially exempt parcels, if the assessor determines that an exemption should be granted and, within ten days of petitioning the board of assessment review, notify the applicant of the approval or denial of such exemption, the amount of such exemption, if any, and the applicant's right to administrative or judicial review of such determination pursuant to article five or seven of this chapter, respectively.

(c) If, for any reason, a determination to exempt property from taxation as provided in paragraph (b) of this subdivision is not entered on the final assessment roll, the assessor shall petition the board of assessment review to correct the final assessment roll.

(d) If, for any reason, the pro rata tax credit as provided in paragraph (a) of this subdivision is not extended against the tax roll immediately succeeding the fiscal year during which the transfer occurred, the assessor shall immediately notify the municipal corporation which levied the tax or for which the taxes were levied of the amount of pro rata exemption credits for the year in which such transfer occurred. Such municipal corporation shall proceed as provided in subparagraph (iv) of paragraph (a) of this subdivision.

(e) If, for any reason, a determination to exempt property from taxation as provided in paragraph (b) of this subdivision is not entered on the tax roll for the year immediately succeeding the fiscal year during which the transfer occurred, the assessor shall determine the pro rata tax exemption credit for such tax roll by multiplying the tax rate or tax rates for each municipal corporation which levied taxes or for

which taxes were levied times the exempt amount and shall immediately notify such municipal corporation or corporations of the pro rata exemption credits for such tax roll. Such municipal corporation shall add such pro rata exemption credits for such property to any outstanding pro rata exemption amounts and proceed as provided in subparagraph (iv) of paragraph (a) of this subdivision.

§ 420-c. Exemption from local real property taxation of certain low income housing accommodations in a city having a population of one million or more. 1. In a city having a population of one million or more, real property owned by a corporation, partnership or limited liability company formed for the purpose of providing housing accommodations for persons and families of low income as defined in section two of the private housing finance law and used for such purpose, shall be exempt from local real property taxation, provided that such corporation, partnership or limited liability company: (a) is organized as a non-profit housing development fund company pursuant to article eleven of the private housing finance law, or is a non-profit housing corporation as defined in article eleven of the private housing finance law which is not incorporated as a housing development fund company as defined in article eleven of the private housing finance law, or is a wholly-owned subsidiary of such a company or is a partnership or limited liability company the controlling interest of which is held by such a company or corporation or by a wholly owned subsidiary of such a company or by a corporation sponsored or formed by such a company or corporation; and (b) has received a loan from a municipality, the state or the housing trust fund corporation established pursuant to section forty-five-a of the private housing finance law or any successor corporation; and (c) enters into a regulatory agreement with the municipality, the state or the housing trust fund corporation established pursuant to section forty-five-a of the private housing finance law or any successor corporation guaranteeing the provision of housing accommodations for persons and families of low income; and (d) is a participant in the federal low income housing tax credit program established pursuant to section forty-two of the internal revenue code of nineteen hundred eighty-six, as amended. Any exemption pursuant to

this section shall expire upon the expiration or termination of the regulatory agreement.

2. An exemption may be granted pursuant to this section only upon application by the owner on a form prescribed by the commissioner or any comparable form, which application shall be accepted by the assessor of such city as provided in this subdivision and in the rules and regulations promulgated pursuant to this section by the department of housing preservation and development in such city. No such application shall be accepted by the assessor unless accompanied by a certificate of the department of housing preservation and development in such city certifying the applicant's eligibility pursuant to this section. Notwithstanding section three hundred two of this chapter, an exemption granted pursuant to this section shall commence as of the effective date of the regulatory agreement with the municipality, the state or the housing trust fund corporation established pursuant to section forty-five-a of the private housing finance law or any successor corporation regardless of when the application for such exemption is approved. The department of housing preservation and development may promulgate rules and regulations to carry out the provisions of this section, and may require a reasonable filing fee in an amount provided by such rules and regulations.

3. An exemption from local real property taxation pursuant to this section shall be governed solely by subdivisions one and two of this section if the application for such exemption is approved before the effective date of this subdivision and shall be governed solely by subdivision four of this section if the application for such exemption is approved on or after the effective date of this subdivision. Any tax exemption pursuant to subdivisions one and two of this section that is in effect on the effective date of this subdivision shall continue in accordance with the provisions of subdivisions one and two of this section; provided, however, that any amendment to a regulatory agreement on or after the effective date of this subdivision shall require a new application for tax exemption pursuant to subdivision four of this section. Eligible real property that receives exemption from local real property taxation pursuant to this section at any time shall not

simultaneously receive exemption from or abatement of local real property taxation pursuant to any other law.

4. (a) For the purposes of this subdivision, the following terms shall have the following meanings:

(1) The term "persons and families of low income" shall have the meaning set forth in section two of the private housing finance law.

(2) The term "tax credit program" shall mean the federal low-income housing tax credit program established pursuant to section forty-two of the internal revenue code of nineteen hundred eighty-six, as amended, or any successor statute.

(3) The term "eligible real property" shall mean real property that (i) provides housing accommodations for persons and families of low income, and (ii) participates in or has participated in the tax credit program.

(4) The term "charitable organization" shall mean (i) an entity formed for purposes that include providing housing accommodations for persons and families of low income and that has received written recognition of exemption pursuant to section 501(c)(3) or section 501(c)(4) of the internal revenue code of nineteen hundred eighty-six, as amended, or any successor statute, from the United States Internal Revenue Service, or any successor agency, or (ii) a corporation, partnership or limited liability company wholly owned and wholly controlled by an entity formed for purposes that include providing housing accommodations for persons and families of low income and that has received written recognition of exemption pursuant to section 501(c)(3) or section 501(c)(4) of the internal revenue code of nineteen hundred eighty-six, as amended, or any successor statute, from the United States Internal Revenue Service, or any successor agency.

(5) The term "eligible entity" shall mean a corporation, partnership or limited liability company at least fifty percent of the controlling interest of which is held by a charitable organization.

(6) The term "eligible owner" shall mean one or more eligible entities that holds (i) legal and beneficial title to eligible real property, or (ii) a legal and beneficial leasehold interest with a term of not less than thirty years in eligible real property.

(7) The term "regulatory agreement" shall mean a regulatory agreement

with or approved by the municipality that requires the provision of housing accommodations for persons and families of low income, requires that units currently or formerly assisted under the tax credit program be rented in accordance with the income requirements of the tax credit program, is recorded against the eligible real property, and binds all parties in interest to the eligible real property and their respective successors and assigns. A regulatory agreement may include such other terms and conditions as the municipality shall determine, including, but not limited to, provisions requiring payments in lieu of taxes.

(b) Notwithstanding any other provision in this subdivision to the contrary, in a city having a population of one million or more, eligible real property of an eligible owner that is subject to a regulatory agreement shall be exempt from local real property taxation except as may be otherwise provided in such regulatory agreement.

(c) Notwithstanding any provision of any other general or special state or local law or charter, (1) with respect to eligible real property that is eligible for exemption from local real property taxation pursuant to this subdivision on the effective date of this subdivision and that is receiving exemption from or abatement of local real property taxation pursuant to any other law on the effective date of this subdivision, an eligible owner may prospectively terminate such other exemption or abatement upon entering into a new regulatory agreement and the eligible real property shall thereafter be prospectively entitled to exemption from local real property taxation pursuant to this subdivision, and (2) with respect to eligible real property that is eligible for exemption from local real property taxation pursuant to this subdivision on the effective date of this subdivision and that is not receiving any exemption from or abatement of local real property taxation pursuant to subdivisions one and two of this section or any other law on the effective date of this subdivision, if an eligible owner enters into a new regulatory agreement, the eligible real property shall thereafter be prospectively entitled to exemption from local real property taxation pursuant to this subdivision, and (3) with respect to eligible real property that is eligible for an exemption from local real property taxation pursuant to this subdivision on the effective date of this subdivision and that is receiving exemption from local real property taxation pursuant to

subdivisions one and two of this section on the effective date of this subdivision, an eligible owner may prospectively terminate such exemption upon entering into a new regulatory agreement and the eligible real property shall thereafter be prospectively entitled to exemption from local real property taxation pursuant to this subdivision.

(d)(1) An exemption may be granted pursuant to this subdivision only upon application by the eligible owner on a form prescribed by the commissioner or any comparable form, which application shall be accepted by the assessor of such city as provided in this subdivision and in such rules as may be promulgated pursuant to this subdivision by the department of housing preservation and development in such city. No such application shall be accepted by the assessor unless accompanied by a certificate of the department of housing preservation and development in such city certifying the applicant's eligibility pursuant to this subdivision.

(2) Notwithstanding section three hundred two of this chapter, an exemption granted pursuant to this subdivision shall commence as of the effective date of the regulatory agreement, regardless of when the application for such exemption is approved, and shall terminate upon the expiration or termination of such regulatory agreement. Notwithstanding any provision of this subdivision to the contrary, if there is a default pursuant to the regulatory agreement, and such default remains uncured beyond any period for such cure specified in the regulatory agreement, the municipality may terminate such exemption or suspend such exemption until such default is cured.

(3) The department of housing preservation and development in such city may promulgate rules to carry out the provisions of this subdivision, and may require a reasonable filing fee in an amount provided by such rules.

§ 421-a. Affordable New York Housing Program. 1. The following terms, whenever used or referred to in this section, shall have the following meaning, unless a different meaning clearly appears in the context.

a. "Adjusted Monthly Rent." The rent payable per month as provided in the first effective lease or occupancy agreement upon initial occupancy

of a rental dwelling unit of a multiple dwelling after construction aided by exemption under this section less the cost of providing parking facilities and electricity, gas, cooking fuel and other utilities other than heat and hot water to occupants of such dwelling units.

b. "Floor area." The horizontal areas of the several floors or any portion thereof of a dwelling or dwellings and accessory structures on a lot measured from the exterior faces of exterior walls or from the center line of party walls.

c. "Multiple Dwelling." A dwelling which is to be occupied or is occupied as the residence or home of three or more families living independently of one another, whether such dwelling is rented or owned as a cooperative or condominium. A new multiple dwelling shall include new residential construction and the concurrent conversion, alteration or improvement of a pre-existing building or structure provided that (i) for all tax lots now existing or hereafter created, no more than forty-nine percent of the floor area (as defined in paragraph b of this subdivision) of the multiple dwelling consists of the pre-existing building or structure that was converted, altered or improved, and (ii) for tax lots in the city of New York now existing or hereafter created within the following area in the borough of Manhattan, the new residential construction and/or the concurrent conversion, alteration or improvement of the pre-existing building or structure is aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality: beginning at the intersection of the United States pierhead line in the Hudson river and the center line of Chambers street extended, thence easterly to the center line of Chambers street and continuing along the center line of Chambers street to the center line of Centre street, thence southerly along the center line of Centre street to the center line of the Brooklyn Bridge to the intersection of the Brooklyn Bridge and the United States pierhead line in the East river, thence northerly along the United States pierhead line in the East river and the center line of one hundred tenth street extended, thence westerly to the center line of one hundred tenth street and continuing along the center line of one hundred tenth street to its westerly terminus, thence westerly to the intersection of the center

line of one hundred tenth street extended and the United States pierhead line in the Hudson river, thence southerly along the United States pierhead line in the Hudson river to the point of beginning.

d. "Room Count." Two and one-half rooms for each dwelling unit plus one room for each bedroom plus one room for each additional room separated by either walls or doors plus one-half room for a balcony, provided that kitchens, bathrooms or corridors shall not count as such additional rooms.

2. (a) (i) Within a city having a population of one million or more, new multiple dwellings, except hotels, shall be exempt from taxation for local purposes, other than assessments for local improvements, for the tax year or years immediately following taxable status dates occurring subsequent to the commencement and prior to the completion of construction, but not to exceed three such tax years, and shall continue to be exempt from such taxation in tax years immediately following the taxable status date first occurring after the expiration of the exemption herein conferred during construction so long as used at the completion of construction for dwelling purposes for a period not to exceed ten years in the aggregate after the taxable status date immediately following the completion thereof, as follows:

(A) except as otherwise provided herein there shall be full exemption from taxation during the period of construction or the period of three years immediately following commencement of construction, whichever expires sooner, and for two years following such period;

(B) followed by two years of exemption from eighty per cent of such taxation;

(C) followed by two years of exemption from sixty per cent of such taxation;

(D) followed by two years of exemption from forty per cent of such taxation;

(E) followed by two years of exemption from twenty per cent of such taxation;

The following table shall illustrate the computation of the tax exemption:

CONSTRUCTION OF CERTAIN MULTIPLE DWELLINGS

	Exemption
During Construction (maximum three years)	100%
Following completion of work	
Year:	
1	100%
2	100
3	80
4	80
5	60
6	60
7	40
8	40
9	20
10	20

(ii) (A) Within a city having a population of one million or more the local housing agency may adopt rules and regulations providing that except in areas excluded by local law new multiple dwellings, except hotels, shall be exempt from taxation for local purposes, other than assessments for local improvements, for the tax year or years immediately following taxable status dates occurring subsequent to the commencement and prior to the completion of construction, but not to exceed three such tax years, and shall continue to be exempt from such taxation in tax years immediately following the taxable status date first occurring after the expiration of the exemption herein conferred during such construction so long as used at the completion of construction for dwelling purposes for a period not to exceed fifteen years in the aggregate, as follows:

a. except as otherwise provided herein there shall be full exemption from taxation during the period of construction or the period of three years immediately following commencement of construction, whichever expires sooner, and for eleven years following such period;

b. followed by one year of exemption from eighty percent of such taxation;

c. followed by one year of exemption from sixty percent of such taxation;

d. followed by one year of exemption from forty percent of such taxation;

e. followed by one year of exemption from twenty percent of such taxation.

(B) The benefits of this subparagraph shall not be available in areas made ineligible for the benefits of this section by a local law enacted pursuant to paragraph (i) of subdivision two of this section, notwithstanding any exceptions to ineligibility contained in such local law for certain types of projects in such areas.

(C) Unless excluded by local law, in the city of New York the benefits of this subparagraph shall be available in the borough of Manhattan for tax lots now existing or hereafter created south of or adjacent to either side of one hundred tenth street only if:

a. the construction is carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality, or

b. the local housing agency has imposed a requirement or has certified that twenty percent of the units be affordable to families of low and moderate income.

The following table shall illustrate the computation of the exemption:

CONSTRUCTION OF CERTAIN MULTIPLE DWELLINGS

	Exemption
During Construction (maximum three years)	100%
Following completion of work	
Year:	
1 through 11	100%
12	80
13	60
14	40
15	20

(iii) (A) Within a city having a population of one million or more the local housing agency may adopt rules and regulations providing that new multiple dwellings, except hotels, shall be exempt from taxation for local purposes, other than assessments for local improvements, for the tax year or years immediately following taxable status dates occurring subsequent to the commencement and prior to the completion of construction, but not to exceed three such tax years, and shall continue to be exempt from such taxation in tax years immediately following the taxable status date first occurring after the expiration of the exemption herein conferred during such construction so long as used at the completion of construction for dwelling purposes for a period not to exceed twenty-five years in the aggregate, provided that the area in which the project is situated is a neighborhood preservation program area as determined by the local housing agency as of June first, nineteen hundred eighty-five, or is a neighborhood preservation area as determined by the New York city planning commission as of June first, nineteen hundred eighty-five, or is an area that was eligible for mortgage insurance provided by the rehabilitation mortgage insurance corporation as of May first, nineteen hundred ninety-two or is an area receiving funding for a neighborhood preservation project pursuant to the neighborhood reinvestment corporation act (42 U.S.C. §§180 et seq.) as of June first, nineteen hundred eighty-five, as follows:

a. except as otherwise provided herein there shall be full exemption from taxation during the period of construction or the period of three years immediately following commencement of construction, whichever expires sooner, and for twenty-one years following such period;

b. followed by one year of exemption from eighty percent of such taxation;

c. followed by one year of exemption from sixty percent of such taxation;

d. followed by one year of exemption from forty percent of such taxation;

e. followed by one year of exemption from twenty percent of such taxation.

(B) The benefits of this subparagraph shall not be available in areas made ineligible for the benefits of this section by a local law enacted pursuant to paragraph (i) of subdivision two of this section, notwithstanding any exceptions to ineligibility contained in such local law for certain types of projects.

(C) Notwithstanding the provisions of item (A) or (D) of this subparagraph, in the city of New York the benefits of this subparagraph shall not be available in the borough of Manhattan for tax lots now existing or hereafter created south of or adjacent to either side of one hundred tenth street.

(D) In addition to being available in the areas described in item (A) of this subparagraph, the benefits made available pursuant to this subparagraph shall be available where:

a. the construction is carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality, or

b. the local housing agency has imposed a requirement or has certified that twenty percent of the units be affordable to families of low and moderate income.

The following table shall illustrate the computation of the exemption:

CONSTRUCTION OF CERTAIN MULTIPLE DWELLINGS

	Exemption
During Construction (maximum three years)	100%
Following completion of work	
Year:	
1 through 21	100%
22	80
23	60
24	40
25	20

(E) A new multiple dwelling that is situated in (1) a neighborhood preservation program area as determined by the department of housing

preservation and development as of June first, nineteen hundred eighty-five, (2) a neighborhood preservation area as determined by the New York city planning commission as of June first, nineteen hundred eighty-five, (3) an area that was eligible for mortgage insurance provided by the rehabilitation mortgage insurance corporation as of May first, nineteen hundred ninety-two, or (4) an area receiving funding for a neighborhood preservation project pursuant to the neighborhood reinvestment corporation act (42 U.S.C. §§ 8101 et seq.) as of June first, nineteen hundred eighty-five, shall not be eligible for the benefits available pursuant to this subparagraph unless it complies with the provisions of subdivision seven of this section.

(iv) (A) Unless excluded by local law, in the city of New York, the benefits of this subparagraph shall be available in the borough of Manhattan for new multiple dwellings on tax lots now existing or hereafter created south of or adjacent to either side of one hundred tenth street that commence construction after July first, nineteen hundred ninety-two and on or before December thirty-first, two thousand fifteen provided, however, that such a multiple dwelling receives its first temporary or permanent certificate of occupancy covering all residential areas on or before December thirty-first, two thousand nineteen, and solely for purposes of determining whether this clause applies and notwithstanding any local law to the contrary, "commence" shall mean the date upon which excavation and construction of initial footings and foundations lawfully begins in good faith or, for an eligible conversion, the date upon which the actual construction of the conversion, alteration or improvement of the pre-existing building or structure lawfully begins in good faith, only if:

a. the construction is carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality, or

b. the local housing agency has imposed a requirement or has certified that twenty percent of the units are affordable to families of low and moderate income.

(B) Such new multiple dwellings, except hotels, shall be exempt from taxation for local purposes, other than assessments for local

improvements for the tax year or years immediately following taxable status dates occurring subsequent to the commencement and prior to the completion of construction, but not to exceed three such tax years, and shall continue to be exempt from such taxation in tax years immediately following the taxable status dates first occurring after the expiration of the exemption herein conferred during such construction so long as used at the completion of construction for dwelling purposes for a period not to exceed twenty years in the aggregate, as follows:

a. except as otherwise provided herein, there shall be full exemption from taxation during the period of construction or the period of three years immediately following commencement of construction, whichever expires sooner, and for twelve years following such period;

b. followed by two years of exemption from eighty percent of such taxation;

c. followed by two years of exemption from sixty percent of such taxation;

d. followed by two years of exemption from forty percent of such taxation;

e. followed by two years of exemption from twenty percent of such taxation.

The following table shall illustrate the computation of the exemption:

CONSTRUCTION OF CERTAIN MULTIPLE DWELLINGS

During construction (maximum three years)	Exemption 100%
Following completion of work year:	
1 through 12	100%
13-14	80%
15-16	60%
17-18	40%
19-20	20%

(b) In addition to the taxes payable pursuant to the table above, the owner shall pay in each tax year in which such full or partial exemption

is in effect, real property taxes and assessments as follows:

(i) real property taxes on the assessed valuation of such land and any improvements thereon in effect during the tax year preceding the commencement of such construction without regard to any exemption or abatement from real property taxation in effect prior to such construction which real property taxes shall be calculated on the tax rate in effect at the time such taxes are due; and

(ii) all assessments for local improvements.

(c) Such multiple dwellings shall be eligible for exemption from taxation pursuant to this section only if:

(i) exemption from taxes is not availed of concurrently under any other law and that on or after July first, nineteen hundred seventy-six no preliminary certificate of eligibility or certificate of eligibility issued under this section may be rescinded by the local housing agency to avail the property of the benefits of tax exemption or tax abatement for rehabilitation or new construction under the provisions of any other law, but that prior to July first, nineteen hundred seventy-six the local housing agency may rescind such certificates to avail the property of the benefits of tax exemption or tax abatement under the provisions of any other law;

(ii) construction is commenced after January first, nineteen hundred seventy-five and on or before December thirty-first, two thousand fifteen provided, however, that (A) such a multiple dwelling receives its first temporary or permanent certificate of occupancy covering all residential areas on or before December thirty-first, two thousand nineteen, (B) solely for purposes of determining whether this subparagraph applies and notwithstanding any local law to the contrary, "commence" shall mean the date upon which excavation and construction of initial footings and foundations lawfully begins in good faith or, for an eligible conversion, the date upon which the actual construction of the conversion, alteration or improvement of the pre-existing building or structure lawfully begins in good faith, and (C) such commencement period shall not apply to multiple dwellings eligible for benefits under subparagraph (iv) of paragraph (a) of this subdivision;

(iii) in the event that, immediately prior to commencement of new construction, such land was improved with a residential building or buildings that have since been substantially demolished, and the new

building or buildings contain more than twenty dwelling units, then such new construction shall contain at least five dwelling units for each class A dwelling unit in existence immediately prior to the demolition preceding construction; and

(iv) in the event that a project contains more than 100 dwelling units, at least 15 per cent of the dwelling units contain at least three and one-half rooms and at least 10 per cent of the dwelling units contain at least four and one-half rooms, unless a waiver from such requirements is granted by the local housing agency based on hardship.

(d) As of July first, nineteen hundred seventy-five, if the aggregate floor area of commercial, community facility and accessory use space exceeds twelve per cent of the aggregate floor area, as defined herein, of any building granted tax exemption pursuant to this section on or subsequent to July first, nineteen hundred seventy-one, tax exemption shall be reduced by an amount equal to the per cent of the aggregate floor area by which the aggregate floor area of commercial, community facility and accessory use space exceeds twelve per cent of the aggregate floor area of the building provided, however, that accessory use space shall not include accessory parking located not more than twenty-three feet above the curb level and provided, further, that whenever a building containing two or more separately assessed parcels of real property has commercial, community facility and accessory use space in excess of such twelve percent, the tax arising out of the reduction in exemption for such excess space shall not be apportioned pro rata among all of the separately assessed parcels in the building but shall be applied first to those separately assessed parcels which are unrelated to the residential use of the building; and only after such unrelated parcels are fully taxable shall the remainder of such tax be apportioned pro rata among the remaining separately assessed parcels and provided further, that no such exemption for commercial, community facility and accessory use space shall be applicable prior to July first, nineteen hundred seventy-five. To be eligible for exemption under this section such construction shall take place on land which, thirty-six months prior to the commencement of such construction, was vacant, predominantly vacant, under-utilized, or improved with a non-conforming use, provided that if such new multiple dwelling displaces or replaces a building or buildings containing more than

twenty-five occupied dwelling units in existence on December thirty-first, nineteen hundred seventy-four and administered under the local emergency housing rent control act, the rent stabilization law of nineteen hundred sixty-nine, or the emergency tenant protection act of nineteen seventy-four, such new multiple dwelling shall not be eligible in the city of New York unless a certificate of eviction has been issued for any of the displaced or replaced units pursuant to the powers granted by the city rent and rehabilitation law, and that the sale, transfer or utilization of air rights over residential buildings that were not demolished shall not be construed as a displacement or replacement of the dwelling units contained within those buildings within the meaning of this subdivision.

(e) Any provision of this section to the contrary notwithstanding, the following properties shall not be eligible for exemption:

(i) any multiple dwelling located in any geographical area where the exemption is eliminated by regulations promulgated by the local housing agency, pursuant to subdivision three of this section, upon a finding by the local housing agency that the need for the tax incentive in such area has been significantly reduced, or that an area should be preserved for mainly non-residential purposes in accordance with local municipal policy; unless construction actually commenced prior to January first, nineteen hundred eighty-two; provided that the local housing agency shall not reduce or eliminate such exemption with respect to multiple dwellings of less than four stories in height, as stories are defined in the multiple dwelling law, except in areas to be preserved for mainly non-residential purposes provided further that no regulation regarding such geographical limitation shall eliminate benefits available pursuant to this section for construction which is commenced within two years from the effective date of such regulation, except in areas to be preserved for mainly non-residential purposes;

(ii) any land which is mapped as a public park, provided, however, that this exclusion from eligibility for exemption shall not apply to any land which has been mapped as a public park but which, for a period of ten years or more after the date of such mapping, has not been acquired by the state or the city in which such land is located and with respect to which land the local department of parks and recreation has determined that such land is not required for public park purposes, and

that such department has no intention of acquiring such land and that no funds have been allocated for such purpose;

(iii) any land which has been utilized for ten or more consecutive years prior to October first, nineteen hundred seventy-one as a "private park" as hereinafter defined. A private park is a privately owned zoning lot in a densely developed area having a minimum size of four thousand square feet, free of all developments and containing only trees, grass, benches, walkways and passive recreational facilities including structures incidental thereto which has been used and maintained during said period for such passive recreational activity by the general public without charge with the consent and participation of the owner thereof; where construction is commenced after December thirty-first, nineteen hundred seventy-two, eligibility shall be determined on the basis of the condition of the land on the first day of October, nineteen hundred seventy-one.

(f) Notwithstanding the provisions of any local law for the stabilization of rents in multiple dwellings or the emergency tenant protection act of nineteen seventy-four, the rents of a unit shall be fully subject to control under such local law or such act, unless exempt under such local law or such act from control by reason of the cooperative or condominium status of the unit, for the entire period during which the property is receiving tax benefits pursuant to this section for the period any such applicable law or act is in effect, whichever is shorter. Thereafter, such rents shall continue to be subject to such control to the same extent and in the same manner as if this section had never applied thereto, except that such rents shall be decontrolled if:

(i) with respect to units subject to the provisions of this section on the effective date of this subparagraph such a unit becomes vacant after the expiration of such ten year period or applicable law or act; provided, however, that such units may be decontrolled pursuant to the rent regulation reform act of 1993 and provided further that the rent shall not be decontrolled for a unit which the commissioner of housing and community renewal or a court of competent jurisdiction finds became vacant because the landlord or any person acting on his behalf engaged in any course of conduct, including but not limited to, interruption or discontinuance of essential services which interfered with or disturbed

or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his use or occupancy of such unit, and, that upon such finding in addition to being subject to any other penalties or remedies permitted by law, the landlord of such unit shall be barred from collecting rent for such unit in excess of that charged to the tenant who vacated such unit until restoration of possession of such tenant, if the tenant so desires, in which case the rent of such tenant shall be established as if such tenant had not vacated such unit, or compliance with such other remedy, including, but not limited to, all remedies provided for by the emergency tenant protection act of nineteen seventy-four for rent overcharge or failure to comply with any order of the commissioner of housing and community renewal, as shall be determined by the commissioner of housing and community renewal to be appropriate; provided, however, that if a tenant fails to accept any such offer of restoration of possession, such unit shall return to rent stabilization at the previously regulated rent; or

(ii) with respect to units which become subject to the provisions of this section after the effective date of this subparagraph, such tax benefit period as provided in the opening paragraph of this paragraph or applicable law or act shall have expired and either each lease and renewal thereof for such unit for the tenant in residence at the time of such decontrol has included a notice in at least twelve point type informing such tenant that the unit shall become subject to such decontrol upon the expiration of such tax benefit period as provided in the opening paragraph of this paragraph or applicable law or act and states the approximate date on which such tax benefit period as provided in the opening paragraph of this paragraph is scheduled to expire; or such unit becomes vacant as provided under subparagraph (i) of this paragraph.

(g) For purposes of this section construction shall be deemed "commenced" when excavation or alteration has begun in good faith on the basis of approved construction plans.

(h) Anything in this section to the contrary notwithstanding, with regard to a project consisting of two or more multiple dwellings constructed on a contiguous site and containing an aggregate of not less than one thousand dwelling units, each of such multiple dwellings shall be entitled to the exemption set forth herein provided construction of

such project be commenced before January first, nineteen hundred seventy-eight and completed no later than a date certain fixed by the local housing agency not to exceed four years from the date of commencement of construction of such project.

(i) Authority of city to enact local law. Except as otherwise specified in this section, a city to which this section is applicable may enact a local law to restrict, limit or condition the eligibility, scope or amount of the benefits under this section in any manner provided that such local law may not grant benefits beyond those provided in this section and provided further that in the city of New York such local law shall not take effect sooner than one year after it is enacted. Notwithstanding the foregoing, the provisions of any local law shall not alter the effect of subdivisions twelve, thirteen, fourteen, and fifteen of this section as they apply on the effective date of such subdivisions, notwithstanding any subsequent amendments to the provisions of law referred to in such subdivisions.

(j) Voluntary renunciation or termination. Notwithstanding the provisions of any general, special or local law to the contrary, an owner shall not be entitled to voluntarily renounce or terminate any tax exemption granted pursuant to this subdivision unless the local housing agency authorizes such renunciation or termination in connection with the commencement of a new tax exemption pursuant to either the private housing finance law or section four hundred twenty-c of this title.

3. a. Application forms for exemption under this section shall be filed with the assessors between February first and March fifteenth and, based on the certification of the local housing agency as herein provided, the assessors shall certify to the collecting officer the amount of taxes to be abated. If there be in a city of one million population or more a department of housing preservation and development, the term "housing agency" shall mean only such department of housing preservation and development. No such application shall be accepted by the assessors unless accompanied by a certificate of the local housing agency certifying the applicant's eligibility pursuant to subdivisions two and four of this section. No such certification of eligibility shall be issued by the local housing agency until such agency determines the initial adjusted monthly rent to be paid by tenants residing in rental

dwelling units contained within the multiple dwelling and the comparative adjusted monthly rent that would have to be paid by such tenants if no tax exemption were applicable as provided by this section. The initial adjusted monthly rent will be certified by the local housing agency as the first rent for the subject dwelling units. A copy of such certification with respect to such units shall be attached by the applicant to the first effective lease or occupancy agreement. The initial adjusted monthly rent shall reflect the full tax exemption benefits as approved by the agency.

The agency shall determine the amount of the initial adjusted monthly rent as follows:

(i) The total project cost shall be determined by adding the following items:

(a) Land acquisition cost or purchase price, if purchased within two years prior to the date on which construction or alteration is commenced; or land acquisition cost or purchase price or an appraisal prepared by a qualified independent appraiser, in such form as is acceptable to the agency, if purchased more than two years prior to such date. Land acquisition cost or purchase price, where used, shall be certified to by an independent certified public accountant;

(b) Costs incurred in the process of preparing the site for construction, including but not limited to operating losses, relocation expenses, demolition expenses and carrying charges, such costs to be certified by an independent certified public accountant to a date not more than ninety days prior to the filing of an application for certification of eligibility and the balance of such costs to be estimated;

(c) Construction costs for constructing or rehabilitating the multiple dwelling as determined by the agency in accordance with subdivision four of this section, plus such amount, if any, representing unique and special costs as may be allowed by the agency for a particular multiple dwelling;

(d) An allowance for estimated off-site costs, including but not limited to architects, engineers and legal fees, interest and taxes during construction, insurance, title and mortgage fees, as determined by the agency in accordance with subdivision four of this section, and

(e) such other amounts as are ordinarily and customarily incurred in connection with the construction or rehabilitation of a multiple dwelling, as determined by the agency in accordance with subdivision four of this section.

(ii) The total expenses of the multiple dwelling shall be determined by adding the following items:

(a) The amount that the agency determines to be the reasonable annual costs for the continuing maintenance and operation of the multiple dwelling in accordance with subdivision four of this section;

(b) The amount that the agency determines to be an appropriate annual provision for vacancies, contingency reserves and management fees in accordance with subdivision four of this section.

(c) The projected real property taxes to be levied on the multiple dwelling and the land on which it is situated at the time of estimated initial occupancy;

(d) Fourteen (14) per cent of the total project cost, as hereinabove defined, which amount will include all expenses for debt service; and

(e) Deducting from said total the estimated annual income to be derived from any commercial, community facility or accessory use space in the building.

(iii) The total expenses shall be divided by the room count to provide the adjusted monthly rent per room per month.

(iv) The adjusted monthly rent per room per month shall be multiplied by the room count of each rental dwelling unit to provide the initial adjusted monthly rent for such dwelling unit. The agency may allow adjustments in the initial adjusted monthly rent for any particular dwelling units provided that the total of the initial adjusted monthly rents for all of the rental dwelling units in a multiple dwelling shall not exceed the total expenses of such multiple dwelling.

The agency shall determine the estimated comparative adjusted monthly rent that would have to be paid if no tax exemption were applicable as provided by this section by adding to the adjusted monthly rent for each dwelling unit as hereinabove computed an amount equal to (a) the difference between the projected real property taxes which would be levied on the multiple dwelling and the land on which it is situated at the time estimated initial occupancy if no tax abatement were applicable

as provided by this section and the projected real property taxes hereinabove utilized in connection with the computation of total expenses; (b) divided by the room count of the building as per this section; and (c) multiplied by the applicants approved room count of each such dwelling unit.

The local housing agency may promulgate rules and regulations to carry out the provisions of this section, not inconsistent with the provisions hereof, and may require a reasonable filing fee in an amount provided by such rules and regulations.

b. Notwithstanding the provisions of any general, special or local law to the contrary, the local housing agency may require by rule that applications be filed electronically.

4. a. After a public hearing the housing agency shall promulgate annually to take effect as of January first of each year the amounts that it determines to be the reasonable amounts in such categories and classifications as may be established by the housing agency, for such items as are generally applicable to all developments and are required to be determined pursuant to subdivision three of this section, which amounts shall be filed with the city clerk and published in a publication of general circulation in the city or the city record, if any, upon adoption by the housing agency.

b. The local housing agency may require a filing fee not to exceed the greater of (i) four-tenths of one percent of the total project cost, or (ii) if the building will be owned as a cooperative or condominium, four-tenths of one percent of the total project cost or four-tenths of one percent of the total project sell-out price stated in the last amendment to the offering plan accepted for filing by the attorney general of the state, at the option of the applicant. Such total project cost or total project sell-out price shall be determined pursuant to rules promulgated by the local housing agency. Notwithstanding the foregoing, the local housing agency may promulgate rules imposing an additional fee if an application, or any part thereof, or submission in connection therewith, is defective and such defect delays the processing

of such application or causes the local housing agency to expend additional resources in the processing of such application.

c. The local housing agency may rely on certification by an architect or engineer submitted by an applicant in connection with the filing of an application for benefits pursuant to this section. A false certification by such architect or engineer shall be deemed to be professional misconduct pursuant to section sixty-five hundred nine of the education law. Any licensee found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten of the education law shall be subject to the penalties prescribed in section sixty-five hundred eleven of such law, and shall thereafter be ineligible to submit a certification pursuant to this section.

5. An applicant for tax exemption under this section whose project contains more than twenty dwelling units shall notify the local community planning board for the area which is the subject of the application within ten days of submission of the application to the local housing agency. The local community planning board shall have a forty-five day period to file objections to the applicant's eligibility under subdivision two of this section, or to the applicant's failure to comply with the standards adopted by the agency in accordance with subdivision four of this section. The local community board may within such time in its own discretion hold a public hearing to determine whether or not any objections as to eligibility should be filed. In the event the local community board files such objections, the local housing agency shall make a determination and notify such board within forty-five days. When an applicant's project contains more than one hundred fifty dwelling units the local community board may within thirty days of receipt of an applicant's notification request the local housing agency to and the local housing agency shall hold a public hearing solely on the questions of the applicant's eligibility under subdivision two of this section or the applicant's failure to comply with the standards adopted by the agency pursuant to subdivision four of this section. The local housing agency shall hold this hearing and make its determination and notify such board within forty-five days.

6. (a) When used in this subdivision unless a different meaning clearly appears from the context, the following terms shall mean and include:

(i) "Covered project." (A) A new building located within the Greenpoint - Williamsburg waterfront exclusion area, (B) two or more buildings which are part of one contiguous development entirely located within the Greenpoint - Williamsburg waterfront exclusion area, (C) two or more buildings which are located within the Greenpoint - Williamsburg waterfront exclusion area and are part of a single development parcel specifically identified in section 62-831 of the local zoning resolution, or (D) where so authorized in writing by the local housing agency, one or more buildings located within the Greenpoint - Williamsburg waterfront exclusion area and one or more buildings located outside the Greenpoint - Williamsburg waterfront exclusion area but within Community District Number One in the borough of Brooklyn. The cumulative number of affordable units located outside the Greenpoint - Williamsburg waterfront exclusion area in all covered projects described in clause (D) of this subparagraph shall not exceed two hundred. A building located outside the Greenpoint - Williamsburg waterfront exclusion area which is part of a covered project described in clause (D) of this subparagraph shall not contain any affordable units with respect to which an application pending before a governmental entity on the effective date of this subdivision or a written agreement in effect on the effective date of this subdivision provided for the development of such affordable units.

(ii) "Greenpoint - Williamsburg waterfront exclusion area." Any tax lots now existing or hereafter created which are located entirely within the geographic area in the borough of Brooklyn bounded and described as follows:

BEGINNING at the intersection of the bulkhead line in the East River and South Fifth Street extended; thence easterly to South Fifth Street and continuing along South Fifth Street to the intersection of Kent Avenue; thence northerly along Kent Avenue to the intersection of South Fourth Street, thence easterly along South Fourth Street to a point 320 feet from Kent Avenue; thence northerly to a point on South Third Street 320 feet from Kent Avenue; thence westerly on South Third Street to the

intersection of Kent Avenue; thence northerly along Kent Avenue to the intersection of Grand Street; thence westerly along Grand Street to the intersection of River Street; thence northerly along River Street to the intersection of North Third Street; thence easterly along North Third Street to the intersection of Kent Avenue; thence northerly along Kent Avenue to the intersection of Franklin Street; thence northerly along Franklin Street to the intersection of Quay Street; thence westerly along Quay Street to the intersection of West Street; thence northerly along West Street to the intersection of Eagle Street; thence easterly along Eagle Street to the intersection of Franklin Street; thence northerly along Franklin Street to the intersection of Dupont Street; thence westerly along Dupont Street to the intersection of Commercial Street; thence northerly along Commercial Street to the intersection of Manhattan Avenue; thence northerly along Manhattan Avenue to its northerly terminus; thence northerly to the intersection of Manhattan Avenue extended and the bulkhead line in Newtown Creek, thence westerly along the bulkhead line in Newtown Creek and continuing southerly along the United States pierhead line in the East River to the place of beginning; included in said area are all piers and other projections from the bulkhead line into the East River or Newtown Creek.

(iii) "Commencement date" shall mean, with respect to any building in a covered project and notwithstanding any local law to the contrary, the date upon which excavation and construction of initial footings and foundations lawfully begins in good faith or, for an eligible conversion, the date upon which the actual construction of the conversion, alteration or improvement of the pre-existing building or structure lawfully begins in good faith.

(iv) "Completion date" shall mean the date upon which the local department of buildings issues the first temporary or permanent certificate of occupancy covering all residential areas of a building in a covered project.

(v) "Covered project agreement" shall mean an agreement executed and recorded on or before December thirty-first, two thousand fifteen, and not thereafter amended to include additional real property, by and between the owners of the real property containing all of the affordable units and the market units which will constitute a single covered project as defined pursuant to subparagraph (i) of this paragraph.

(b) No benefits under the provisions of this section shall be conferred on any building in a covered project located in the Greenpoint - Williamsburg waterfront exclusion area unless the real property containing such building is identified in a covered project agreement, and the covered project that includes such building shall provide affordable housing for persons and families of low and moderate income that meets one of the following conditions:

(i) not less than twenty percent of the units in the covered project are affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed eighty percent of the area median incomes adjusted for family size, and at least one building in such covered project that contains not less than twenty percent of its dwelling units meeting this affordable housing requirement has a commencement date on or before December thirty-first, two thousand fifteen and all of the buildings in such covered project that receive benefits pursuant to paragraph (f) of this subdivision have a completion date on or before June fifteenth, two thousand twenty-five; or

(ii) not less than ten percent of the units in the covered project are affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed eighty percent of the area median incomes adjusted for family size and not less than an additional fifteen percent of the units in the covered project are affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed one hundred twenty-five percent of the area median incomes adjusted for family size, and at least one building in such covered project that contains not less than twenty-five percent of its dwelling units meeting this affordable housing requirement has a commencement date on or before December thirty-first, two thousand fifteen and all of the buildings in such covered project that receive benefits pursuant to paragraph (f) of this subdivision have a completion date on or before June fifteenth, two thousand twenty-five.

(c) Unless affordable units are developed under a federal, state or city program having contrary requirements, (i) all affordable units must have a comparable number of bedrooms as market rate units and a unit mix proportional to the market rate units, or (ii) at least fifty percent of

the affordable units must have two or more bedrooms and no more than fifty percent of the remaining units can be smaller than one bedroom.

(d) Unless affordable units are developed under a federal or state program having contrary requirements, residents of the local community shall have priority for the purchase or rental of fifty percent of the affordable units.

(e) In order to ensure that affordable units created pursuant to this subdivision will continue to be affordable for the life of the covered project, the local housing agency shall employ mechanisms, including, but not limited to, regulatory agreements, deed restrictions, resale restrictions, occupancy requirements, and such other instruments or requirements as it may deem necessary, and shall establish legal remedies to enforce such mechanisms.

(f) With respect to any covered project located entirely within the Greenpoint - Williamsburg waterfront exclusion area, the period of tax benefits awarded to any building in such covered project shall be the same as the period of tax benefits awarded under clause (D) of subparagraph (iii) of paragraph (a) of subdivision two of this section. With respect to any covered project which includes one or more buildings located outside the Greenpoint - Williamsburg waterfront exclusion area, the period of tax benefits awarded to any building in such covered project that is located within the Greenpoint - Williamsburg waterfront exclusion area shall be the same as the period of tax benefits awarded under clause (A) of subparagraph (ii) of paragraph (a) of subdivision two of this section.

7. (a) For the purposes of this subdivision:

(i) "affordable units" shall mean units which meet the affordability requirements set forth in paragraph (c) of this subdivision.

(ii) "geographic exclusion areas" shall mean:

(A) areas described in subdivision eleven of this section,

(B) in the borough of Manhattan tax lots now existing or hereafter created south of or adjacent to either side of one hundred tenth street, and

(C) areas made ineligible for the benefits of this section:

(1) as set forth in section 11-245 of the administrative code of the city of New York on the effective date of this subdivision,

notwithstanding any exceptions to ineligibility contained in such local law for certain types of projects in such areas,

(2) as set forth in local law number fifty-eight of the city of New York for the year two thousand six, notwithstanding any exceptions to ineligibility contained in such local law for certain types of projects in such areas and notwithstanding the effective date of such law, and

(3) by local law after the effective date of this subdivision.

(b) Notwithstanding any provision of this section or any local law to the contrary, the benefits of this section shall not be available for new multiple dwellings located in a geographic exclusion area which commence construction after December twenty-eighth, two thousand seven unless they comply with the provisions of this subdivision for thirty-five years from completion of construction of the building receiving benefits pursuant to this section.

(c)(i) Not less than twenty percent of the units in the multiple dwelling must, upon the initial rental or sale of the units and upon all subsequent rentals of the units after a vacancy, be affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed sixty percent of the area median incomes adjusted for family size or (ii) if the construction of such building is carried out with substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality and such assistance is provided pursuant to a program for the development of affordable housing, not less than twenty percent of the units in the multiple dwelling must, either (A) upon the initial rental of the units and upon all subsequent rentals of the units after a vacancy, be affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed one hundred twenty percent of the area median incomes adjusted for family size and, where the multiple dwelling contains more than twenty-five units, do not exceed an average of ninety percent of the area median incomes adjusted for family size, or (B) upon the initial sale of the units, be affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed one hundred twenty-five percent of the area median incomes adjusted for family size.

(d) Unless preempted by federal requirements:

(i) all affordable units must have a comparable number of bedrooms as market rate units and a unit mix proportional to the market rate units, or at least fifty percent of the affordable units must have two or more bedrooms and no more than fifty percent of the remaining units can be smaller than one bedroom or in addition to the requirements of paragraph (c) of this subdivision, the floor area of affordable units is no less than twenty percent of the total floor area of all dwelling units;

(ii) affordable units shall share the same common entrances and common areas as market rate units, and shall not be isolated to a specific floor or area of a building. Common entrances shall mean any area regularly used by any resident for ingress and egress from a multiple dwelling; and

(iii) residents of the community board where the multiple dwelling which receives the benefits provided in this section is located shall, upon initial occupancy, have priority for the purchase or rental of fifty percent of the affordable units.

(e) Notwithstanding any provision of law to the contrary, affordable rental units must remain as rent stabilized units for thirty-five years from completion of construction provided that tenants holding a lease and in occupancy at the expiration of the rent stabilization period shall have the right to remain as rent stabilized tenants for the duration of their occupancy.

(f) All affordable units must be situated onsite. For the purposes of this section, "onsite" shall mean that affordable units shall be situated within the building or buildings for which benefits pursuant to this section are being granted.

(g) The limitations on eligibility for benefits contained in this subdivision shall be in addition to those contained in this section and in any other law or regulation.

8. (a) As used in this subdivision, the following terms shall have the following meanings:

(i) "Applicant" means an applicant for benefits pursuant to this section, any successor to such applicant, or any employer of building service employees for such applicant, including, but not limited to, a property management company or contractor.

(ii) "Building service employee" means any person who is regularly

employed at a building who performs work in connection with the care or maintenance of such building. "Building service employee" includes, but is not limited to, watchman, guard, doorman, building cleaner, porter, handyman, janitor, gardener, groundskeeper, elevator operator and starter, and window cleaner, but shall not include persons regularly scheduled to work fewer than eight hours per week in the building.

(iii) "Fiscal officer" means the comptroller or other analogous officer in a city having a population of one million or more.

(b) All building service employees employed by the applicant in a building whose construction commenced on or after December twenty-eighth, two thousand seven shall receive the applicable prevailing wage for the duration of benefits pursuant to this section.

(c) The fiscal officer shall have the power to enforce the provisions of this subdivision. In enforcing such provisions, the fiscal officer shall have the power:

(i) to investigate or cause an investigation to be made to determine the prevailing wages for building service employees; in making such investigation, the fiscal officer may utilize wage and fringe benefit data from various sources, including, but not limited to, data and determinations of federal, state or other governmental agencies;

(ii) to institute and conduct inspections at the site of the work or elsewhere;

(iii) to examine the books, documents and records pertaining to the wages paid to, and the hours of work performed by, building service employees;

(iv) to hold hearings and, in connection therewith, to issue subpoenas, administer oaths and examine witnesses; the enforcement of a subpoena issued under this subdivision shall be regulated by the civil practice law and rules;

(v) to make a classification by craft, trade or other generally recognized occupational category of the building service employees and to determine whether such work has been performed by the building service employees in such classification;

(vi) to require the applicant to file with the fiscal officer a record of the wages actually paid by such applicant to the building service employees and of their hours of work;

(vii) to delegate any of the foregoing powers to his or her deputy or

other authorized representative; and

(viii) to promulgate rules as he or she shall consider necessary for the proper execution of the duties, responsibilities and powers conferred upon him or her by the provisions of this paragraph.

(d) If the fiscal officer finds that the applicant has failed to comply with the provisions of this subdivision, he or she shall present evidence of such noncompliance to the local housing agency.

(e) Paragraph (b) of this subdivision shall not be applicable to:

(i) projects containing less than fifty dwelling units; or

(ii) buildings where the local housing agency certifies that at initial occupancy at least fifty percent of the dwelling units are affordable to individuals or families with a gross household income at or below one hundred twenty-five percent of the area median income and that any such units which are located in rental buildings will be subject to restrictions to insure that they will remain affordable for the entire period during which they receive benefits under this section.

(f) The local housing agency shall prescribe appropriate sanctions for failure to comply with the provisions of this subdivision.

(g) Solely for purposes of paragraph (b) of this subdivision, construction shall be deemed to have commenced when excavation or alteration has begun in good faith on the basis of approved construction plans.

(h) The eligibility criteria for benefits contained in this subdivision shall be in addition to those contained in any other law or regulation.

9. (a) As used in this subdivision, the following terms shall have the following meanings:

(i) "Residential tax lot" shall mean a tax lot that contains dwelling units.

(ii) "Non-residential tax lot" shall mean a tax lot that does not contain any dwelling units.

(iii) "Annual limit" shall mean sixty-five thousand dollars, which amount shall be increased by three percent, compounded annually, on each taxable status date following the first anniversary of the effective date of this subdivision.

(iv) "Certificate of occupancy" shall mean the first certificate of

occupancy covering all residential areas of the building on or containing a tax lot.

(v) "Unit count" shall mean:

(A) in the case of a residential tax lot that does not contain any commercial, community facility or accessory use space, the number of dwelling units in such tax lot, and

(B) in the case of a residential tax lot that contains commercial, community facility or accessory use space, the number of dwelling units in such tax lot plus one.

(vi) "Exemption cap" shall mean the unit count multiplied by the annual limit.

(b) The provisions of this subdivision shall apply only to projects that commence construction on or after December twenty-eighth, two thousand seven.

(c) The portion of the assessed valuation of any residential tax lot exempted from real property taxation in any year pursuant to this section shall not exceed the exemption cap on or after the first taxable status date after the building on or containing such tax lot receives its certificate of occupancy, unless, it complies with the requirements of item a or b of clause (D) of subparagraph (iii) of paragraph (a) of subdivision two of this section or the requirements of item a or b of clause (A) of subparagraph (iv) of paragraph (a) of subdivision two of this section. The portion of the assessed valuation of all non-residential tax lots in the building on or containing such non-residential tax lots exempted from real property taxation in any year pursuant to this section shall not exceed a cumulative total equal to the annual limit on or after the first taxable status date after the building on or containing such non-residential tax lots receives its certificate of occupancy. A dwelling unit that is located in two or more tax lots shall be ineligible to receive any benefits under this section.

10. (a) The local housing agency shall implement procedures to insure that affordable units created pursuant to this section, or units which are required to be occupied by persons or families who meet specified income limits pursuant to the provisions of a local law enacted pursuant to this section, continue to be affordable as required by the provisions of this section or such local law, and that units made subject to rent

stabilization remain subject thereto as required by the provisions of this section. Such procedures shall include but shall not be limited to the following:

(i) all rent stabilization registrations required to be filed on or after January first, two thousand eight shall contain a designation which identifies all units that are subject to the provisions of this section as "Affordable New York Housing Program units" and specifically identifies affordable units created pursuant to this section and units which are required to be occupied by persons or families who meet specified income limits pursuant to the provisions of a local law enacted pursuant to this section as "Affordable New York Housing Program affordable units" and shall contain an explanation of the requirements that apply to all such units. The owner of a unit that is subject to the provisions of this section shall, in addition to complying with the requirements of section 26-517 of the rent stabilization law, file a copy of the rent registration for each such unit with the local housing agency;

(ii) the local housing agency with cooperation of the division of housing and community renewal shall monitor and enforce compliance with the filing requirements of this section;

(iii) the local housing agency shall create a report which, at a minimum, contains the following information for every building which receives benefits pursuant to this section: address, commencement and termination date of the benefits, total number of residential units, number of "Affordable New York Housing Program units" and number of "Affordable New York Housing Program affordable units", apartment number or other designation of such units and the rent for each of such units. The local housing agency with the cooperation of the division of housing and community renewal shall maintain, and update such report no less than annually, with information secured from annual registrations. Such reports shall be available for public inspection in a form that assigns a unique designation to each unit other than its actual apartment number to maintain the privacy of such information; and

(iv) the local housing agency shall monitor any change in such information, shall investigate any such changes which indicate a failure to comply with the provisions of this section, and shall take appropriate action based on its findings.

(b) Failure to comply with the provisions of this section which require the creation and maintenance of affordable units pursuant to this section, or units which are required to be occupied by persons or families who meet specified income limits pursuant to the provisions of a local law enacted pursuant to this section, at any time during the duration of the building's tax exemption shall result in revocation of any benefits under this section for the period of such non-compliance. If an on-going pattern of non-compliance is found to exist, such benefits may be revoked from their inception. Notwithstanding the revocation of benefits for a building pursuant to the provisions of this subdivision, all units in such building shall continue to remain subject to the provisions of the rent stabilization law for the entire intended period as if the benefits had not been revoked.

(c) The provisions of this subdivision relating to enforcement of the provisions of this section shall be in addition to any other provisions contained in this section or any other law.

(d) The revocation of benefits for noncompliance with this section shall not exempt any unit from continued compliance with the requirements of this section.

11. Additional geographic exclusion areas:

(a) Any tax lots now existing or hereafter created which are located entirely within the geographic area in the borough of Brooklyn bounded and described as follows:

(i) In the County of Kings, Beginning at a point where Warwick Street meets Belmont Avenue, thence westerly along said avenue to Jerome Street, thence southerly along said street to Sutter Avenue, thence westerly on said avenue to Barbey Street, thence northerly along said street to Belmont Avenue, thence westerly on said avenue to New Jersey Avenue, thence southerly on said avenue to Sutter Avenue, thence westerly on said avenue to Pennsylvania Avenue, thence northerly on said avenue to Belmont Avenue, thence westerly on said avenue to Sheffield Avenue, thence southerly on said avenue to Sutter Avenue, thence westerly on said avenue to Snediker Avenue, thence northerly on said avenue to William's Place, thence northerly on said place to Fulton Street, thence easterly on said street to Jamaica Avenue, thence easterly on said avenue to Van Siclen Avenue, thence southerly on said

avenue to Arlington Avenue, thence easterly on said avenue to Warwick Street, thence southerly on said street to Atlantic Avenue, thence westerly on said avenue to Jerome Street, thence southerly on said street to Liberty Avenue, thence easterly on said avenue to Warwick Street, thence southerly along said street to its intersection with Belmont Avenue, the point of beginning.

(ii) In the County of Kings, Beginning at a point where Bushwick Avenue meets with Stewart Street, thence southwesterly on said street to Broadway, thence southeasterly on Broadway to Conway Street, thence southwesterly on said street to Truxton Street, thence westerly on said street to Sackman Street, thence southerly on said street to Atlantic Avenue, thence westerly on said avenue to Howard Avenue, thence northerly on said avenue to MacDougal Street, thence westerly on said street to Fulton Street, thence westerly on said street to Patchen Avenue, thence northerly on said avenue to Hancock Street, thence easterly on said street to Saratoga Avenue, thence northerly on said avenue to a point midway between Hancock Street and Jefferson Avenue, thence easterly along the line extended to the northern intersection of Broadway and Hancock Street, thence northerly along Hancock Street to Bushwick Avenue, thence easterly along said avenue to its intersection with Stewart Street, the point of beginning.

(iii) In the County of Kings, Beginning at a point where Prospect Place meets Ralph Avenue, thence southerly along said avenue to Sutter Avenue, thence westerly along said avenue to east 98th Street, thence southeasterly along said street to Rutland Road, thence southwesterly along said road to East 92nd Street, thence northwesterly along said street to East New York Avenue, thence southerly along said avenue to Lefferts Avenue, thence westerly along said avenue to Utica Avenue, thence northerly along said avenue to Lincoln Place, thence easterly on said place to Rochester Avenue, thence northerly on said avenue to St. Mark's Avenue thence easterly on St. Mark's Avenue to Buffalo Avenue, thence southerly on said avenue to Prospect Place, thence westerly along said place towards intersection with Ralph Avenue, the point of beginning.

(iv) In the County of Kings, Beginning at a point where Nostrand Avenue meets Dean Street, thence westerly along said street to Rogers Avenue, thence southerly along said avenue to Bergen Street, thence

westerly along said street to Bedford Avenue, thence southerly along said avenue to St. Mark's Avenue, thence easterly along said avenue to Rogers Avenue, thence southerly along said avenue to Crown Street, thence easterly along said street to Nostrand Avenue, thence southerly along said avenue to Sterling Street, thence westerly along said street to Bedford Avenue, thence southerly along said avenue to Lefferts Avenue, thence westerly along said avenue to Washington Avenue, thence southerly along said avenue to Flatbush Avenue, thence along said avenue to Parkside Avenue, thence westerly along said avenue to Ocean Avenue, thence northerly along said avenue to Flatbush Avenue, thence along said avenue to Plaza Street East, thence along said street to St. John's Place, thence easterly along said place to Underhill Avenue, thence northerly along said avenue to Prospect Place, thence westerly along said place to Carlton Avenue, thence southerly along said avenue to Flatbush Avenue, thence northerly along said avenue to Park Place, thence westerly along said place to 6th Avenue, thence northerly along said avenue to Bergen Street, thence westerly along said street to 5th Avenue, thence southerly along said avenue to Warren Street, thence westerly along said street to 4th Avenue, thence northerly along said avenue to Bergen Street, thence westerly along said street to 3rd Avenue, thence northerly along said avenue to Dean Street, thence easterly along said street to 4th Avenue, thence northerly along said avenue to Atlantic Avenue, thence easterly along said avenue to Flatbush Avenue, thence northerly along said avenue to Fulton Street, thence westerly along said street to Hanover Place, thence southerly along said place to Livingston Street, thence westerly along said street to Bond Street, thence northerly along said street to Fulton Street, thence westerly along said street to Bridge Street, thence northerly along said street to Willoughby Street, thence westerly along said street to Lawrence Street, thence southerly along said street to Fulton Street, thence westerly along said street to Jay Street, thence northerly along said street to Prospect Street, thence easterly along said street to Bridge Street, thence northerly along said street to York Street, thence easterly along said street to Navy Street, thence southerly along said street to Ashland Place, thence along said place to Dekalb Avenue, thence easterly along said avenue to Adelphi Street, thence southerly along said street to Lafayette Avenue, thence easterly along said avenue

to Clermont Avenue, thence northerly along said avenue to Dekalb Avenue, thence easterly along said avenue to Clinton Avenue, thence northerly along said avenue to Willoughby Avenue, thence easterly along said avenue to Hall Street, thence northerly along said street to Myrtle Avenue, thence easterly along said avenue to Emerson Place, thence southerly along said place to southern border of Pratt Institute parking lot, thence westerly along said border to a line extended southerly from Grand Avenue, thence southerly along said avenue to Dekalb Avenue, thence easterly along said avenue to Classon Avenue, thence northerly along said avenue to Willoughby Avenue, thence easterly along said avenue to Taaffe Place, thence southerly along said place to Dekalb Avenue, thence easterly along said avenue to Kent Avenue, thence northerly along said avenue to Willoughby Avenue, thence easterly along said avenue to Franklin Avenue, thence southerly along said avenue to Lafayette Avenue, thence easterly along said avenue to Nostrand Avenue, thence southerly along said avenue to its intersection with Dean Street, the point of beginning.

(v) In the County of Kings, Beginning at a point where Ruby Street (Kings/Queens county line) meets Pitkin Avenue, thence westerly along said avenue to North Conduit Boulevard, thence northwesterly along said boulevard to Autumn Avenue, thence northerly along said avenue to Glenmore Avenue, thence westerly along said avenue to South Conduit Boulevard, thence easterly along said boulevard to Hemlock Street, thence southerly along said street to Pitkin Avenue, thence westerly along said avenue to Crystal Street, thence southerly along said street to Belmont Avenue, thence westerly along said avenue to Milford Street, thence southerly along said street to Sutter Avenue, thence westerly along said avenue to Montauk Avenue, thence northerly along said avenue to Belmont Avenue, thence westerly along said avenue to Shepherd Avenue, thence northerly along said avenue to Pitkin Avenue, thence westerly along said avenue to Essex Street, thence southerly along said street to Belmont Avenue, thence westerly along said avenue to Warwick Street, thence northerly along said street to Liberty Avenue, thence westerly along said avenue to Jerome Street, thence northerly along said street to Atlantic Avenue, thence easterly along said avenue to Warwick Street, thence northerly along said street to Arlington Avenue, thence westerly along said avenue to Van Siclen Avenue, thence northerly along said

avenue to Jamaica Avenue, thence westerly along said avenue to Broadway, thence westerly along Broadway to Fulton Street, thence westerly along said street to Sackman Street, thence northerly along said street to Truxton Street, thence easterly along said street to Conway Street, thence northerly along said street to Broadway, thence westerly along Broadway to Stewart Street, thence northerly along said street to Bushwick Avenue, thence westerly along said avenue to Kosciusko Street, thence westerly along said street to Stuyvesant Avenue, thence northerly along said avenue to Dekalb Avenue, thence westerly along said avenue to Marcy Avenue, thence northerly along said avenue to Park Avenue, thence easterly along said avenue to Broadway, thence southerly along Broadway to Lewis Avenue, thence southerly along said avenue to Stockton Street, thence easterly along said street to Broadway, thence southerly along Broadway to Melrose Street, thence northerly along said street to Stanwix Street, thence southerly along said street to Jefferson Street, thence westerly along said street to Bushwick Avenue, thence southerly along said avenue to Dekalb Avenue, thence northerly along said avenue to Evergreen Avenue, thence easterly along said avenue to Stockholm Street, thence northerly along said street to Central Avenue, thence easterly along said avenue to Woodbine Street, thence northerly along said street to Ridgewood Place, thence westerly along said place to Palmetto Street, thence northerly along said street to Wyckoff Avenue (Kings/Queens county line), thence following Kings/Queens county line to Ruby Street (Kings/Queens county line), thence southerly along said street to its intersection with Pitkin Avenue, the point of beginning.

(vi) In the County of Kings, Beginning at a point where St. Nichols Avenue (Kings/Queens county line) meets Gates Avenue (Kings/Queens county line), thence southerly along said avenue to Wyckoff Avenue (Kings/Queens county line), thence easterly along said avenue to Palmetto Street, thence southerly along said street to Ridgewood Place, thence easterly along said place to Woodbine Street, thence southerly along said street to Central Avenue, thence westerly along said avenue to Stockholm Street, thence southerly along said street to Evergreen Avenue, thence westerly along said avenue to Dekalb Avenue, thence southerly along said avenue to Bushwick Avenue, thence westerly along said avenue to Jefferson Street, thence easterly along said street to Stanwix Street, thence northerly along said street to Melrose Street,

thence westerly along said street to Broadway, thence along Broadway to Stockton Street, thence along said street to Lewis Avenue, thence northerly along said avenue to Broadway, thence westerly along Broadway to Park Avenue, thence along said avenue to Marcy Avenue, thence northerly along said avenue to Hopkins Street, thence easterly along said street to Tompkins Avenue, thence northerly along said avenue to Harrison Avenue, thence westerly along said Avenue to Middleton Street, thence easterly along said street to Broadway, thence westerly along Broadway to Boerum Street, thence easterly along said street to Lorimer Street, thence northerly along said street to Montrose Avenue, thence westerly along said avenue to Broadway, thence along said road to I-278, thence northerly along said interstate to South 5th Street, thence westerly along said street to Bedford Avenue, thence southerly along said avenue to South 6th Street, thence westerly along said street to Berry Street, thence northerly along said street to North 1st Street, thence easterly along said street to Driggs Avenue, thence northerly along said avenue to Fillmore Place, thence easterly along said place to Roebling Street, thence northerly along said street to Hope Street, thence easterly along said street to Havemeyer Street, thence northerly along said street to Metropolitan Avenue, thence easterly along said avenue to Havemeyer Street, thence northerly along said street to North 6th Street, thence easterly along said street to Meeker Avenue, thence westerly along said avenue to Metropolitan Avenue, thence easterly along said avenue to Rodney Street, thence southerly along said street to Ainslie Street, thence easterly along said street to Union Avenue, thence northerly along said avenue to Conselyea Street, thence easterly along said street to Manhattan Avenue, thence southerly along said street to Metropolitan Avenue, thence easterly along said avenue to Maspeth Avenue, thence northerly along said avenue to Woodpoint Road, thence along said road to Conselyea Street, thence westerly along said street to Humbolt Street, thence northerly along said street to Skillman Avenue, then easterly along said avenue to Woodpoint Road, thence northerly along said road to Jackson Street, thence easterly along said street to Kingsland Avenue, thence northerly along said avenue to Withers Street, thence westerly along said street to Woodpoint Road, thence northerly along said road to Kingsland Avenue, thence along said avenue to Division Place, thence easterly along said place to Debevoise

Avenue, thence northerly along said avenue to Beadel Street, thence westerly along said street to Kingsland Avenue, thence northerly along said avenue to I-278, thence easterly along said interstate to Sutton Street, thence northerly along said street to Driggs Avenue, thence easterly along said avenue to Meeker Avenue, thence along said avenue to Hausman Street, thence northerly along said street to Nassau Avenue, thence easterly along said avenue to Vandam Street, thence southerly along said street to Meeker Avenue, thence easterly along said avenue to Kings/Queens county line, thence southeasterly along said line to where St. Nichols Avenue meets Gates Avenue, the point of beginning.

(vii) In the County of Kings, Beginning at a point where Bedford Avenue meets Bergen Street, thence easterly along said street to New York Avenue, thence northerly along said avenue to Pacific Street, thence easterly along said street to Brooklyn Avenue, thence southerly along said avenue to Dean Street, thence easterly along said street to Kingston Avenue, thence southerly along said avenue to Sterling Place, thence easterly along said place to Hampton Place, thence southerly along said place to St. John's Place, thence westerly along said place to Kingston Avenue, thence southerly along said avenue to Lincoln Place, thence easterly along said place to Albany Avenue, thence southerly along said avenue to Eastern Parkway, thence easterly along said parkway to Schenectady Avenue, thence southerly along said avenue to Union Street, thence easterly along said street to Utica Avenue, thence southerly along said avenue to Empire Boulevard, thence westerly along said boulevard to Nostrand Avenue, thence northerly along said avenue to Crown Street, thence westerly along said street to Rogers Avenue, thence northerly along said avenue to St. Mark's Avenue, thence westerly along said avenue to Bedford Avenue, thence northerly along said avenue to Bergen Street, the point of beginning.

(viii) In the County of Kings, Beginning at a point where Prospect Place meets Underhill Avenue, thence southerly along said avenue to St. John's Place, thence westerly along said place to Plaza Street East, thence southerly along said street to Plaza Street West, thence westerly along said street to Parade Place, thence along said place to Prospect Park West, thence southerly along said Part West to 4th Street, thence westerly along said street to 8th Avenue, thence northerly along said avenue to 2nd Street, thence westerly along said street to 7th Avenue,

thence southerly along said avenue to 4th Street, thence westerly along said street to 6th Avenue, thence southerly along said avenue to 5th Street, thence westerly along said street to 5th Avenue, thence southerly along said avenue to 8th Street, thence easterly along said street to 6th Avenue, thence southerly along said avenue to 9th Street, thence westerly along said street to 5th Avenue, thence southerly along said avenue to 11th Street, thence easterly along said street to 6th Avenue, thence southerly along said avenue to 14th Street, thence easterly along said street to 7th Avenue, thence southerly along said avenue to 17th Street, thence westerly along said street to Calder Place, thence northerly along said place to Prospect Avenue, thence westerly along said avenue to Webster Place, thence northerly along said place to 16th Street, thence westerly along said street to 6th Avenue, thence southerly along said avenue to Prospect Expressway, thence westerly along said expressway to 5th Avenue, thence southerly along said avenue to 17th Street, thence westerly along said street to 4th Avenue, thence northerly along said avenue to 16th Street, thence westerly along said street to Hamilton Avenue, thence along said avenue to 15th Street, thence easterly along said street to 2nd Avenue, thence northerly along said avenue to 14th Street, thence westerly along said street to Hamilton Place, thence northerly along said place to 12th Street, thence westerly along said street to a line extended from 12th Street to the banks of the Gowanus Canal, thence southerly along said canal to Hamilton Avenue, thence northerly along said avenue to Smith Street, thence along said street to West 9th Street, thence westerly along said street to I-278, thence northerly along said interstate to Huntington Street, thence westerly along said street to Hamilton Avenue, thence northerly along said avenue to Luquer Street, thence westerly along said street to Columbia Street, thence southerly along said street to Commerce Street, thence westerly along said street to Richards Street, thence northerly along said street to Hamilton Avenue, thence westerly along said avenue to Bowne Street, thence along said street to Van Brunt Street, thence southerly along said street to Verona Street, thence northerly along said street to Imlay Street, thence southerly along said street to Pioneer Street, thence westerly along said street to the East River (Kings/New York county line), thence northerly along said county line to the western border of the U.S. Navy Yard Basin,

thence southerly along said border to a line extended from the eastern-most end of York Street, thence westerly along said line extended to York Street, thence westerly along said street to Bridge Street, thence southerly along said street to Prospect Street, thence westerly along said street to Jay Street, thence southerly along said street to Fulton Street, thence easterly along said street to Lawrence Street, thence northerly along said street to Willoughby Street, thence easterly along said street to Bridge Street, thence southerly along said street to Fulton Street, thence easterly along said street to Bond Street, thence southerly along said street to Livingston Street, thence easterly along said street to Hanover Place, thence northerly along said place to Fulton Street, thence easterly along said street to Flatbush Avenue, thence southerly along said avenue to Atlantic Avenue, thence westerly along said avenue to 4th Avenue, thence southerly along said avenue to Dean Street, thence westerly along said street to 3rd Avenue, thence southerly along said avenue to Bergen Street, thence easterly along said street to 4th Avenue, thence southerly along said avenue to Warren Street, thence easterly along said street to 5th Avenue, thence northerly along said avenue to Bergen Street, thence easterly along said street to 6th Avenue, thence southerly along said avenue to Park Place, thence easterly along said place to Flatbush Avenue, thence southerly along said avenue to Carlton Avenue, thence northerly along said avenue to Prospect Place, thence easterly along said place to its intersection with Underhill Avenue, the point of beginning.

(ix) In the County of Kings, Beginning at a point where 65th Street meets 2nd Avenue, thence southerly along said avenue to Long Island Rail Road (Bay Ridge Station), thence westerly along said railroad to Bay Ridge Channel, thence along said channel to the Upper New York Bay, thence along said bay to Kings/Hudson/New Jersey county/state line, thence along said county/state line to Kings/New York county line, thence easterly along said county line to Pioneer Street, thence southerly along said street to Imlay Street, thence northerly along said street to Verona Street, thence southerly along said street to Van Brunt Street, thence northerly along said street to Bowne Street, thence easterly along said street to Hamilton Avenue, thence along said avenue to Richards Street, thence southerly along said street to Commerce Street, thence easterly along said street to Columbia Street, thence

northerly along said street to Luquer Street, thence easterly along said street to Hamilton Avenue, thence southerly along said avenue to Huntington Street, thence easterly along said street to I-278, thence southerly along said interstate to West 9th Street, thence along said street to Smith Street, thence southerly along said street to Hamilton Avenue, thence along said avenue to Gowanus Canal, thence northerly along said canal to a line extended westerly from 12th Street, thence easterly along said line extended to 12th Street, thence along said street to Hamilton Place, thence southerly along said place to 14th Street, thence easterly along said street to 2nd Avenue, thence southerly along said avenue to 15th Street, thence westerly along said street to Hamilton Avenue, thence southerly along said avenue to 3rd Avenue, thence southerly along said avenue to 65th Street, thence northerly along said street to its intersection with 2nd Avenue, the point of beginning.

(b) Any tax lots now existing or hereafter created which are located entirely within the geographic area in the borough of Manhattan bounded and described as follows:

(i) In the county of New York, Beginning at a point where extended West 202nd Street intersects the New York/Bronx county line, thence westerly along said extension to West 202nd Street, thence along said street to 9th Avenue, thence southerly along said avenue to west 201st Street, thence westerly along said street to Academy Street, thence northerly along said street to 10th Avenue, thence southerly along said avenue to Dyckman Street, thence northerly along said street to Nagle Avenue, thence westerly along said avenue to Fort George Hill, thence southerly along said hill to the southwestern border of High Bridge Park, thence easterly along said border to Fort George Avenue, thence southerly along said avenue to Audubon Avenue, thence along said avenue to West 190th Street, thence easterly along said street to Amsterdam Avenue, thence southerly along said avenue to West 186th Street, thence westerly along said street to Audubon Avenue, thence southerly along said avenue to West 184th Street, thence easterly along said street to Amsterdam Avenue, thence southerly along said avenue to West 183rd Street, thence westerly along said street to Audubon Avenue, thence southerly along said avenue to West 182nd Street, thence easterly along said street to Amsterdam Avenue, thence southerly along said avenue to

West 166th Street, thence westerly along said street to St. Nicholas Avenue, thence southerly along said avenue to West 162nd Street, thence westerly along said street to Broadway, thence northerly along Broadway to West 165th Street, thence westerly along said street to Fort Washington Avenue, thence northerly along said avenue to West 168th Street, thence easterly along said street to Broadway, thence northerly along Broadway to West 172nd Street, thence westerly along said street to Fort Washington Avenue, thence northerly along said avenue to West 173rd Street, thence easterly along said street to Broadway, thence northerly along Broadway to West 174th Street, thence easterly along said street to Wadsworth Avenue, thence northerly along said avenue to West 175th Street, thence westerly along said street to Fort Washington Avenue, thence northerly along said avenue to West 177th Street, thence easterly along said street to Broadway, thence northerly along Broadway to Cumming Street, thence along said street to Seaman Avenue, thence easterly along said avenue to Academy Street, thence southerly along said street to Cooper Street, thence easterly along said street to West 204th Street, thence southerly along said street to Broadway, thence easterly along Broadway to West 207th Street, thence southerly along said street to Vermilyea Avenue, thence easterly along said avenue to Isham Street, thence northerly along said street to Broadway, thence easterly along Broadway to West 215th Street, thence northerly along said street to Seaman Avenue, thence westerly along said avenue to West 207th Street, thence northerly along said street to where it meets a line extended from Payson Avenue, thence westerly along said line extended to Payson Avenue, thence along said avenue to Dyckman Street, thence northerly along said street to Staff Street, thence southerly along said street to Riverside Drive, thence westerly along said drive to the exit ramp of the Henry Hudson Parkway Northbound, thence southerly along said ramp to the Henry Hudson Parkway Northbound, thence northerly along said parkway to the on-ramp of the Henry Hudson Parkway Southbound, thence southerly along said ramp to the Henry Hudson Parkway Southbound, thence northerly along said parkway to Exit 17, thence southwesterly on a line extended from said exit to a point where it meets a line extended from Dyckman Street, thence westerly along said line extended to the New York state line, thence northerly along said state line to the New York/Bronx county line, thence easterly along said

county line, thence southerly along said line to its intersection with extended West 202nd Street, the point of beginning.

(ii) In the county of New York, Beginning at a point where West 215th Street meets Broadway, thence westerly along Broadway to Isham Street, thence southeasterly along said street to Vermilyea Avenue, thence westerly along said avenue to West 207th Street, thence northerly along said street to Broadway, thence westerly along Broadway to West 204th Street, thence northerly along said street to Cooper Street, thence westerly along said street to Academy Street, thence northerly along said street to Seaman Avenue, thence westerly along said avenue to Cumming Street, thence southerly along said street to Broadway, thence southerly along Broadway to West 177th Street, thence westerly along said street to Fort Washington Avenue, thence southerly along said avenue to West 175th Street, thence easterly along said street to Wadsworth Avenue, thence southerly along said avenue to West 174th Street, thence westerly along said street to Broadway, thence southerly along Broadway to West 173rd Street, thence westerly along said street to Fort Washington Avenue, thence southerly along said avenue to West 172nd Street, thence easterly along said street to Broadway, thence southerly along Broadway to West 168th Street, thence westerly along said street to Fort Washington Avenue, thence southerly along said avenue to West 165th Street, thence easterly along said street to Broadway, thence southerly along Broadway to West 162nd Street, thence easterly along said street to St. Nicholas Avenue, thence northerly along said avenue to West 166th Street, thence easterly along said street to Amsterdam Avenue, thence northerly along said avenue to West 182nd Street, thence westerly along said street to Audubon Avenue, thence northerly along said avenue to West 183rd Street, thence easterly along said street to Amsterdam Avenue, thence northerly along said avenue to West 184th Street, thence westerly along said street to Audubon Avenue, thence northerly along said avenue to West 186th Street, thence easterly along said street to Amsterdam Avenue, thence northerly along said avenue to West 190th Street, thence westerly along said street to Audubon Avenue, thence northerly along said avenue to Fort George Avenue, thence along said avenue to the southwestern border of High Bridge Park, thence westerly along said border to Fort George Hill, thence northerly along said hill to Nagle Avenue, thence easterly along

said avenue to Dyckman Street, thence southerly along said street to 10th Avenue, thence northerly along said avenue to Academy Street, thence southerly along said street to West 201st Street, thence easterly along said street to 9th Avenue, thence northerly along said avenue to West 202nd Street, thence easterly along said street to a line extending to the New York/Bronx county line, thence southerly along said county line to the point where the 145th Street Bridge intersects the New York/Bronx county line, thence westerly along said bridge to West 145th Street, thence along said street to Lenox Avenue (Malcolm X Boulevard), thence northerly along said avenue to West 146th Street, thence westerly along said street to 7th Avenue (Adam Clayton Powell Jr. Boulevard), thence southerly along said avenue to West 144th Street, thence westerly along said street to 8th Avenue (Frederick Douglass Boulevard), thence northerly along said avenue to West 145th Street, thence westerly along said street to St. Nicholas Avenue, thence northerly along said avenue to West 149th Street, thence westerly along said street to Convent Avenue, thence southerly along said avenue to West 148th Street, thence westerly along said street to Amsterdam Avenue, thence northerly along said avenue to West 151st Street, thence westerly along said street to Broadway, thence southerly along Broadway to West 145th Street, thence westerly along said street to Henry Hudson Parkway, thence southerly along said parkway to St. Clair Place, thence westerly along said place to extended St. Clair Place, thence along said extension to the New York/New Jersey state line, thence northerly along said state line to its intersection with extended Dyckman Street, thence easterly along said extension to the shoreline of the Hudson River, thence northeasterly to Exit 17 of the Henry Hudson Parkway Southbound, thence southerly along said parkway to the onramp from Riverside Drive, thence northerly along said ramp to the Henry Hudson Parkway Northbound, thence southerly along said parkway to the exit ramp to Riverside Drive, thence easterly along said ramp to Riverside Drive, thence along said drive to Staff Street, thence northerly along said street to Dyckman Street, thence southerly along said street to Payson Avenue, thence easterly along said avenue to a point where extended Payson Avenue meets 207th Street, thence southerly along said street to Seaman Avenue, thence easterly along said avenue to West 215th Street, thence southerly along said street to its intersection with Broadway, the point of beginning.

(iii) In the county of New York, Beginning at a point where the 145th Street Bridge meets the New York/Bronx county line, thence southerly along said county line to the CSX Railroad, thence westerly along said railroad to Park Avenue, thence southerly along said avenue to East 132nd Street, thence westerly along said street to 5th Avenue, thence southerly along said avenue to West 124th Street, thence westerly along said street to Mount Morris Park West, thence southerly along said park to West 121st Street, thence westerly along said street to Lenox Avenue, thence southerly along said avenue to West 120th Street, thence easterly along said street to 5th Avenue, thence southerly along said avenue to East 118th Street, thence easterly along said street to Park Avenue, thence southerly along said avenue to East 117th Street, thence westerly along said street to 5th Avenue, thence southerly along said avenue to West 115th Street, thence westerly along said street to Lenox Avenue, thence northerly along said avenue to West 116th Street, thence westerly along said street to Morningside Avenue, thence northerly along said avenue to West 121st Street, thence easterly along said street to Manhattan Avenue, thence northerly along said avenue to West 123rd Street, thence westerly along said street to Morningside Avenue, thence northerly along said avenue to West 124th Street, thence easterly along said street to Frederick Douglass Boulevard, thence northerly along said boulevard to West 125th Street, thence westerly along said street to Morningside Avenue, thence northerly along said avenue to West 126th Street, thence westerly along said street to Amsterdam Avenue, thence along said avenue to West 129th Street, thence westerly along said street to Broadway, thence southerly along Broadway to Tiemann Place, thence westerly along said place to Riverside Drive, thence northerly along said drive to Riverside Drive West, thence along said drive to West 125th Street, thence along said street to Henry Hudson Parkway, thence along said parkway to West 145th Street, thence easterly along said street to Broadway, thence northerly along Broadway to West 151st Street, thence easterly along said street to Amsterdam Avenue, thence southerly along said avenue to West 148th Street, thence easterly along said street to Convent Avenue, thence northerly along said avenue to West 149th Street, thence easterly along said street to St. Nicholas Avenue, thence southerly along said avenue to West 145th Street, thence easterly along said street to Frederick Douglass Boulevard, thence

southerly along said boulevard to West 144th Street, thence easterly along said street to Adam Clayton Powell Jr. Boulevard, thence northerly along said boulevard to West 146th Street, thence easterly along said street to Lenox Avenue (Malcolm X Boulevard), thence southerly along said avenue to West 145th Street, thence easterly along said street to the 145th Street Bridge, thence along said bridge to its intersection with the New York/Bronx county line, the point of beginning.

(iv) In the county of New York, Beginning at a point where the New York/Queens county border meets the East River at East 96th Street Extended, thence westerly along a line connecting to East 96th Street, excluding Mill Rock Park, thence westerly along East 96th Street to 2nd Avenue, thence northerly along said avenue to East 97th Street, thence westerly along said street to 3rd Avenue, thence southerly along said avenue to East 95th Street, thence westerly along said street to Madison Avenue, thence southerly along said avenue to East 92nd Street, thence westerly along said street to 5th Avenue, thence northerly along said avenue to Central Park North, thence westerly along said park to Adam Clayton Powell Jr. Boulevard, thence northerly along said boulevard to West 113th Street, thence westerly along said street to 8th Avenue, thence northerly along said avenue to West 116th Street, thence easterly along said street to Lenox Avenue, thence southerly along said avenue to West 115th Street, thence easterly along said street to 5th Avenue, thence northerly along said avenue to East 117th Street, thence easterly along said street to Park Avenue, thence northerly along said avenue to East 118th Street, thence westerly along said street to 5th Avenue, thence northerly along said avenue to West 120th Street, thence westerly along said street to Lenox Avenue, thence northerly along said avenue to West 121st Street, thence easterly along said street to Mount Morris Park West, thence northerly along said park to West 124th Street, thence easterly along said street to 5th Avenue, thence northerly along said avenue to East 132nd Street, thence easterly along said street to Park Avenue, thence westerly along said avenue to CSX Railroad, thence easterly along said railroad over the Harlem River to the New York/Bronx county line, thence southerly along said county line to the New York/Queens county line, thence southerly along said county line to East 96th Street Extended, the point of beginning.

(c) Any tax lots now existing or hereafter created which are located

entirely within the geographic area in the borough of The Bronx bounded and described as follows:

(i) In the county of Bronx, Beginning at a point where Rodman Place meets West Farms Road, thence southerly along said road to East 172nd Street, thence westerly along said street to Boone Avenue, thence southerly along said avenue to Jennings Street, thence westerly along said street to Vyse Avenue, thence southerly along said avenue to Freeman Street, thence westerly along said street to Intervale Avenue, thence southerly along said avenue to Fox Street, thence along said street to Home Street, thence westerly along said street to East 169th Street, thence westerly along said street to Prospect Avenue, thence southerly along said avenue to East 168th, thence westerly along said street to Washington Avenue, thence northerly along said avenue to East Tremont Avenue, thence easterly along said avenue to Crotona Parkway, thence along said parkway to Cross Bronx Expressway, thence easterly along said expressway to Longfellow Avenue, thence northerly along said avenue to Rodman Place, thence easterly along said place to its intersection with West Farms Road, the point of beginning.

(ii) In the county of Bronx, Beginning at a point where Belmont Street meets Webster Avenue, thence southerly along Webster avenue to Claremont Parkway, thence easterly along said parkway to Brook Avenue, thence southerly along said avenue to East 171st Street, thence westerly along said street to Webster Avenue, thence southerly along said avenue to Park Avenue, thence westerly along said avenue to East 164th Street, thence westerly along said street to Teller Avenue, thence northerly along said avenue to East 165th Street, thence westerly along said street to Grand Concourse, thence northerly along Grand concourse to Mount Eden Parkway, thence easterly along said parkway to Clay Avenue, thence southerly along said avenue to Belmont Street, thence easterly along said street to Webster Avenue, the point of beginning.

(d) Any tax lots now existing or hereafter created which are located entirely within the geographic area in the borough of Queens bounded and described as follows:

(i) In the county of Queens, Beginning at a point where 54th Street meets Broadway, thence southeasterly along Broadway to 64th Street, thence southerly along said Street to 39th Avenue, thence westerly along said avenue to 54th Street, thence northerly along said street to its

intersection with Broadway, the point of beginning.

(ii) In the County of Queens, Beginning at a point where 131st Street meets Fowler Avenue, thence easterly along Fowler Avenue to College Point Boulevard, thence northerly on said Boulevard to Interstate 678, thence southerly along said Interstate to its intersection with Fowler Avenue, the point of beginning.

(iii) In the County of Queens, Beginning at a point where 94 Street meets 52nd Avenue, thence westerly along said avenue to 92nd Street, thence northerly along said street to 50th Avenue, thence westerly along said avenue to 91st Street, thence northerly along said street to 48th Avenue, thence westerly along said avenue to 90th Street, thence northerly along said street to Corona Avenue, thence westerly along said avenue to 88th Street, thence northerly along said street to Long Island Rail Road, thence westerly along said railroad to Broadway, thence northerly along Broadway to Whitney Avenue, thence easterly along said avenue to Ketcham Place, thence westerly along said place to Elmhurst Avenue, thence northerly along said avenue to Judge Street, thence westerly along said street to Britton Avenue, thence southerly along said avenue to Broadway, thence westerly along Broadway to 41st Avenue, thence westerly along said avenue to 75th Street, thence northerly along said street to Broadway, thence westerly along Broadway to 74th Street, thence southerly along said street to 41st Avenue, thence westerly along said avenue to 73rd Street, thence southerly along said street to Woodside Avenue, thence westerly along said avenue to CSX Railroad, thence northerly along said railroad to 41st Avenue, thence westerly along said Avenue to 69th Street, thence northerly along said street to Roosevelt Avenue, thence easterly along said avenue to CSX Railroad, thence along said railroad to Broadway, thence easterly along Broadway to 69th Street, thence northerly along said street to 70th Street, thence along said street to 69th Street, thence along said street to 35th Avenue, thence easterly along said avenue to 73rd Street, thence southerly along said street to 37th Road, thence easterly along said road to 75th Street, thence northerly along said street to 37th Avenue, thence westerly along said avenue to 74th Street, thence northerly along said street to 35th Avenue, thence easterly along said avenue to 81st Street, thence northerly along said street to 34th Avenue, thence easterly along said avenue to 82nd Street, thence southerly along said

street to 35th Avenue, thence easterly along said avenue to 84th Street, thence southerly along said street to 37th Avenue, thence easterly along said avenue to 85th Street, thence southerly along said street to Roosevelt Avenue, thence easterly along said avenue to 88th Street, thence northerly along said street to 37th Avenue, thence easterly along said avenue to 90th Street, thence southerly along said street to Roosevelt Avenue, thence easterly along said avenue to Elmhurst Avenue, thence northerly along said avenue to 93rd Street, thence southerly along said street to Roosevelt Avenue, thence easterly along said avenue to 94th Street, thence southerly along said street to 43rd Avenue, thence easterly along said avenue to 94th Street, thence southerly along said street to Alstytne Avenue, thence westerly along said avenue to Corona Avenue, thence easterly along said avenue to 94th Street, thence southerly on said street to its intersection with 52nd Avenue, the point of beginning.

(iv) In the county of Queens, Beginning at a point where 26th Avenue meets 14th Street, thence southerly along said street to 34th Avenue, thence westerly along said avenue to 12th Street, thence southerly along said street to 40th Avenue, thence westerly along said avenue to 10th Street, thence southerly along 10th Street to 41st Road, to the point where a line extended from 11th Street meets Queens Plaza South, thence southerly along 11th Street to 43rd Avenue, thence easterly along said avenue to Jackson Avenue, thence westerly along said avenue to Purves Street, thence southerly along said street to Thompson Avenue, thence easterly along said avenue to Skillman Avenue, thence westerly along said avenue to 49th Avenue, thence westerly along said avenue to 11th Street, thence southerly along said street to the Queens/Kings county border, thence westerly along said border to the New York/ Queens county border, thence northerly to 26th Avenue, thence easterly along said avenue to the point of beginning.

(e) Any tax lots now existing or hereafter created which are located entirely within the geographic area in the borough of Staten Island bounded and described as follows:

In the County of Richmond, Beginning at a point where Clifton Avenue intersects Edgewater Street, thence northerly along said street to Lynhurst Avenue, thence westerly along said avenue to Langere Place,

thence northerly along said place to Willow Avenue, thence westerly along said avenue to Staten Island Rapid Transit Railroad, thence northerly along said railroad to Staten Island Rapid Transit Railroad east/west, thence westerly along said railroad to Chestnut Avenue, thence northerly along said avenue to Mosel Avenue, thence southerly along said avenue to Manton Place, thence westerly along said place to Hanover Avenue, thence northerly along said avenue to Palma Drive, thence westerly along said drive to Targee Street, thence northerly along said street to Metcalfe Street, thence westerly along said street to Van Duzer Street, thence southerly along said street to Hillside Avenue, thence westerly along said avenue to Howard Avenue, thence southerly along said avenue to Highland Avenue, thence northerly along said avenue to Arlo Road, thence easterly along said road to Howard Avenue, thence northerly along said avenue to Greta Place, thence westerly along said place to Duncan Road, thence northerly along said road to Theresa Place, thence westerly along said place to Victory Boulevard, thence northerly along said boulevard to Forest Avenue, thence westerly along said avenue to Brighton Avenue, thence northeasterly along said avenue to Lafayette Avenue, thence northerly along said avenue to Arnold street, thence westerly along said street to Ellicott Place, thence northerly along said place to Prospect Avenue, thence westerly along said avenue to Clinton Avenue, thence northerly along said avenue to Henderson Avenue, thence westerly along said avenue to Tysen Street, thence northerly along said street to Richmond Terrace, thence westerly along said terrace to Jewett Avenue, thence southerly along said avenue to Forest Avenue, thence westerly along said avenue to Morningstar Road, thence southerly along said road to Monsey Place, thence westerly along said place to Sanders Street, thence southerly along said street to Wilcox Street, thence westerly along said street to Eunice Place, thence northerly along said place to Forest Avenue, thence westerly along said avenue to Heaney Avenue, thence southerly along said avenue to Wilcox Street, thence westerly along said street to Amity Place, thence northerly along said place to Wemple Street, thence westerly along said street to South Avenue, thence northerly along said avenue to Forest Avenue, thence westerly along said avenue to Goethals Road North, thence along said road to Western Avenue, thence northerly along said avenue to the Staten Island Rapid Transit Railroad, thence

easterly along said railroad to a line extended south from Holland Avenue, thence northerly along said line extended to Holland Avenue, thence along said avenue to Benjamin Place, thence easterly along said place to Arlington Avenue, thence southerly along said avenue to Arlington Place, thence easterly along said place to Grandview Avenue, thence southerly along said avenue to Davidson Street, thence easterly along said street to Andros Avenue, thence southerly along said avenue to a line extended to the Staten Island Rapid Transit Railroad, thence easterly along said railroad to Van Name Avenue, thence northerly along said avenue to Richmond Terrace, thence easterly along said terrace to Wright Avenue, thence northerly along said avenue to a line extended to the northern shore of Staten Island, thence easterly along said shoreline to Bayonne Bridge, thence northerly along said bridge to the New York/New Jersey state line, thence easterly along said state line to the Kings/Richmond county line, thence southerly along said county line to a point where it meets a line extended from Clifton Avenue, thence westerly along said line extended to the point where Clifton Avenue intersects Edgewater Street, the point of beginning.

12. An agreement with the local housing agency to create or substantially rehabilitate offsite housing units affordable to households of low and moderate income, shall remain in full force and effect. The housing units developed pursuant to such agreement shall continue to make a building or buildings located in geographic exclusion areas as defined in this subdivision eligible to receive benefits pursuant to this section notwithstanding the provisions of subdivision seven or nine of this section or any exemption cap provided in local law provided that the agreement with the local housing agency was entered into prior to December twenty-eighth, two thousand six and construction of the building receiving benefits pursuant to this section is commenced on or before June thirtieth, two thousand nine.

13. (a) As used in this subdivision, "UDC Large Scale Project" shall mean a multi-phase project that (i) includes the development of at least twenty-five hundred new dwelling units, (ii) is being implemented pursuant to a General Project Plan adopted by the New York State Urban Development Corporation and approved by Public Authorities Control Board

or is otherwise set forth in agreements with the New York State Urban Development Corporation, (iii) includes a development over a single area containing a number of contiguous city blocks, and (iv) the units in which, in the aggregate for each successive fifteen hundred units of the project rather than for each multiple dwelling containing such fifteen hundred units and in the aggregate for the entire project rather than for each multiple dwelling in the project, meet the requirements of paragraph (c) of subdivision seven of this section.

(b) Except as otherwise provided in subparagraph (iv) of paragraph (a) of this subdivision, no portion of a UDC Large Scale Project shall be subject to the requirements of paragraph (c) of subdivision seven of this section.

(c) With respect to any multiple dwelling in a UDC Large Scale Project that meets the requirements of paragraph (c) of subdivision seven of this section, the period of tax benefits awarded to such multiple dwelling shall be the same as the period of tax benefits awarded under clause (A) of subparagraph (iii) of paragraph (a) of subdivision two of this section. With respect to any multiple dwelling in a UDC Large Scale Project that does not meet the requirements of paragraph (c) of subdivision seven of this section, the period of tax benefits awarded to such multiple dwelling shall be the same as the period of tax benefits awarded under clause (A) of subparagraph (ii) of paragraph (a) of subdivision two of this section. The tax benefits awarded to any multiple dwelling in a UDC Large Scale Project shall commence upon the commencement of construction of such multiple dwelling, provided, however, that such multiple dwelling meets all of the requirements for tax benefits pursuant to this section. For each successive fifteen hundred units of a UDC Large Scale Project, the local housing agency must certify the completion of any affordable units, as defined in subparagraph (i) of paragraph (a) of subdivision seven of this section, required to qualify any multiple dwelling or multiple dwellings comprising such fifteen hundred units for any tax benefits awarded pursuant to this paragraph. The existence of such special certification requirement and its financial impact upon all units, including, but not limited to, revocation of tax benefits awarded pursuant to this paragraph if such special certification requirement is not met, shall be disclosed as a special risk in any offering plan for any units in a UDC

Large Scale Project.

(d) With respect to any UDC Large Scale Project located in whole or in part within community district number eight in the borough of Brooklyn in the city of New York, notwithstanding the provisions of subparagraph (ii) of paragraph (d) of subdivision seven of this section, the priority specified in such subparagraph shall be granted to the residents of community districts two, three, six and eight of such borough.

14. The provisions of subdivisions seven and nine of this section shall not apply to (1) multiple dwellings which commence construction prior to July first, two thousand eight; or (2) where commencement of construction is delayed as a result of litigation relating to a contract for the purchase of real property entered into prior to December twenty-eight, two thousand six and in which a judgment was entered prior to the effective date of this subdivision provided that construction commences within a reasonable time after final resolution of the litigation; or (3) where benefits pursuant to this section are sought for a building located on a site requiring environmental remediation construction and a certificate of completion pursuant to section 27-1419 of the environmental conservation law has been issued prior to July first, two thousand eight, provided that construction is completed without undue delay; or (4) a project which (i) on or before December thirty-first, two thousand six, such project receives special permits pursuant to the New York city zoning resolution with respect to all buildings to be constructed on the development site, and (ii) on December thirty-first, two thousand six, a portion of such development site was owned by the state of New York and contained a New York power authority temporary generating facility, and (iii) such project commenced construction before the later of three years from the effective date of local law number fifty-eight of the city of New York for the year two thousand six or eighteen months from the removal of all such temporary generating facilities.

15. Paragraphs two through four of subdivision (a) of section 11-245 of the administrative code of the city of New York and subdivisions (b-1) and (b-2) of section 11-245 of the administrative code of the city of New York, as added by local law number fifty-eight of the city of New

York for the year two thousand six shall not apply to (1) multiple dwellings which commence construction prior to July first, two thousand eight; or (2) where commencement of construction is delayed as a result of litigation relating to a contract for the purchase of real property entered into prior to December twenty-eighth, two thousand six and in which a judgment was entered prior to the effective date of this subdivision provided that construction commences within a reasonable time after final resolution of the litigation; or (3) where benefits pursuant to this section are sought for a building located on a site requiring environmental remediation construction and a certificate of completion pursuant to section 27-1419 of the environmental conservation law has been issued prior to July first, two thousand eight, provided that construction is completed without undue delay; or (4) a project which (i) on or before December thirty-first, two thousand six, such project receives special permits pursuant to the New York city zoning resolution with respect to all buildings to be constructed on the development site, and (ii) on December thirty-first, two thousand six, a portion of such development site was owned by the state of New York and contained a New York power authority temporary generating facility, and (iii) such project commenced construction before the later of three years from the effective date of local law number fifty-eight of the city of New York for the year two thousand six or eighteen months from the removal of all such temporary generating facilities.

16. (a) Definitions. For the purposes of this subdivision:

(i) "Affordable New York Housing Program benefits" shall mean exemption from real property taxation pursuant to this subdivision.

(ii) "Affordability option A" shall mean that, within any eligible site: (A) not less than ten percent of the dwelling units are affordable housing forty percent units; (B) not less than an additional ten percent of the dwelling units are affordable housing sixty percent units; (C) not less than an additional five percent of the dwelling units are affordable housing one hundred thirty percent units; and (D) such eligible site is developed without the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing, except that such eligible site may

receive tax exempt bond proceeds and four percent tax credits.

(iii) "Affordability option B" shall mean that, within any eligible site, (A) not less than ten percent of the dwelling units are affordable housing seventy percent units, and (B) not less than an additional twenty percent of the dwelling units are affordable housing one hundred thirty percent units.

(iv) "Affordability option C" shall mean that, within any eligible site excluding the geographic area south of ninety-sixth street in the borough of Manhattan, and all other geographic areas in the city of New York excluded pursuant to local law, (A) not less than thirty percent of the dwelling units are affordable housing one hundred thirty percent units, and (B) such eligible site is developed without the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.

(v) "Affordability option D" shall only apply to a homeownership project, of which one hundred percent of the units shall have an average assessed value not to exceed sixty-five thousand dollars upon the first assessment following the completion date and where each owner of any such unit shall agree, in writing, to maintain such unit as their primary residence for no less than five years from the acquisition of such unit.

(vi) "Affordability option E" shall mean that, within any eligible site within the enhanced affordability area, such site must consist of no less than three hundred rental dwelling units of which (A) not less than ten percent of the rental dwelling units are affordable housing forty percent units; (B) not less than an additional ten percent of the rental dwelling units are affordable housing sixty percent units; (C) not less than an additional five percent of the rental dwelling units are affordable housing one hundred twenty percent units; and (D) such eligible site is developed without the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing, except that such eligible site may receive tax exempt bond proceeds and four percent tax credits.

(vii) "Affordability option F" shall mean that, within any eligible site within the enhanced affordability area, such site must consist of

no less than three hundred rental dwelling units of which (A) not less than ten percent of the rental dwelling units are affordable housing seventy percent units; and (B) not less than an additional twenty percent of the rental dwelling units are affordable housing one hundred thirty percent units.

(viii) "Affordability option G" shall mean that, within any eligible site located within the Brooklyn enhanced affordability area or the Queens enhanced affordability area, such site must consist of no less than three hundred rental dwelling units of which (A) not less than thirty percent of the rental dwelling units are affordable housing one-hundred thirty percent units; and (B) such eligible site is developed without the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.

(ix) "Affordability percentage" shall mean a fraction, the numerator of which is the number of affordable housing units in an eligible site and the denominator of which is the total number of dwelling units in such eligible site.

(x) "Affordable housing forty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed forty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(xi) "Affordable housing sixty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed sixty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(xii) "Affordable housing seventy percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed seventy percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(xiii) "Affordable housing one hundred twenty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the extended restriction period, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred twenty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(xiv) "Affordable housing one hundred thirty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred thirty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(xv) "Affordable housing unit" shall mean, collectively and individually, affordable housing forty percent units, affordable housing sixty percent units, affordable housing seventy percent units, affordable housing one hundred twenty percent units and affordable housing one hundred thirty percent units.

(xvi) "Agency" shall mean the department of housing preservation and development.

(xvii) "Application" shall mean an application for Affordable New York Housing Program benefits.

(xviii) "Average hourly wage" shall mean the amount equal to the

aggregate amount of all wages and all employee benefits paid to, or on behalf of, construction workers for construction work divided by the aggregate number of hours of construction work.

(xix) "Brooklyn enhanced affordability area" shall mean any tax lots now existing or hereafter created which are located entirely within community boards one or two of the borough of Brooklyn bounded and described as follows: All that piece or parcel of land situate and being in the boroughs of Queens and Brooklyn, New York. Beginning at the point of intersection of the centerline of Newtown Creek and the westerly bounds of the East River; Thence southeasterly along the centerline of Newtown Creek, said centerline also being the boundary between Queens County to the northeast and Kings County to the southwest, to the point of intersection with Greenpoint Avenue; Thence southwesterly along Greenpoint Avenue, to the intersection with Kings Land Avenue; Thence southerly along Kingsland Avenue to the intersection with Meeker Avenue; Thence southwesterly along Meeker Avenue to the intersection with Leonard Street; Thence southerly along Leonard Street to the intersection with Metropolitan Avenue; Thence westerly along Metropolitan Avenue to the intersection with Lorimer Street; Thence southerly along Lorimer Street to the intersection with Montrose Avenue; Thence westerly along Montrose Avenue to the intersection with Union Avenue; Thence southerly along Union Avenue to the intersection with Johnson Avenue; Thence westerly along Johnson Avenue to the intersection with Broadway; Thence northwesterly along Broadway to the intersection with Rutledge Street; Thence southwesterly along Rutledge Street to the intersection with Kent Avenue and Classon Avenue; Thence southwesterly and southerly along Classon Avenue to the intersection with Dekalb Avenue; Thence westerly along Dekalb Avenue to the intersection with Bond Street; Thence southwesterly along Bond Street to the intersection with Wyckoff Street; Thence northwesterly along Wyckoff Street to the intersection with Hoyt Street; Thence southwesterly along Hoyt Street to the intersection with Warren Street; Thence northwesterly along Warren Street to the intersection with Court Street; Thence northeasterly along Court Street to the intersection with Atlantic Avenue; Thence northwesterly along Atlantic Avenue, crossing under The Brooklyn Queens Expressway (aka Interstate 278), to the terminus of Atlantic Avenue at the Brooklyn Bridge Park/Pier 6; Thence northwesterly passing through

the Brooklyn Bridge Park to the bulkhead of the East River at Pier 6; Thence in a general northeasterly direction along the easterly bulkhead or shoreline of the East River to the intersection with the centerline of Newtown Creek, and the point or place of Beginning.

(xx) "Building service employee" shall mean any person who is regularly employed at, and performs work in connection with the care or maintenance of, an eligible site, including, but not limited to, a watchman, guard, doorman, building cleaner, porter, handyman, janitor, gardener, groundskeeper, elevator operator and starter, and window cleaner, but not including persons regularly scheduled to work fewer than eight hours per week at the eligible site.

(xxi) "Commencement date" shall mean, with respect to any eligible multiple dwelling, the date upon which excavation and construction of initial footings and foundations lawfully begins in good faith or, for an eligible conversion, the date upon which the actual construction of the conversion, alteration or improvement of the pre-existing building or structure lawfully begins in good faith.

(xxii) "Completion date" shall mean, with respect to any eligible multiple dwelling, the date upon which the local department of buildings issues the first temporary or permanent certificate of occupancy covering all residential areas of an eligible multiple dwelling.

(xxiii) "Construction period" shall mean, with respect to any eligible multiple dwelling, a period: (A) beginning on the later of the commencement date of such eligible multiple dwelling or three years before the completion date of such eligible multiple dwelling; and (B) ending on the day preceding the completion date of such eligible multiple dwelling.

(xxiv) "Construction work" shall mean the provision of labor performed on an eligible site between the commencement date and the completion date, whereby materials and constituent parts are combined to initially form, make or build an eligible multiple dwelling, including without limitation, painting, or providing of material, articles, supplies or equipment in the eligible multiple dwelling, but excluding security personnel and work related to the fit-out of commercial spaces.

(xxv) "Construction workers" shall mean all persons performing construction work who (A) are paid on an hourly basis and (B) are not in a management or executive role or position.

(xxvi) "Contractor certified payroll report" shall mean an original payroll report submitted by a contractor or sub-contractor to the independent monitor setting forth to the best of the contractor's or sub-contractor's knowledge, the total number of hours of construction work performed by construction workers, the amount of wages and employee benefits paid to construction workers for construction work.

(xxvii) "Eligible conversion" shall mean the conversion, alteration or improvement of a pre-existing building or structure resulting in a multiple dwelling in which no more than forty-nine percent of the floor area consists of such pre-existing building or structure.

(xxviii) "Eligible multiple dwelling" shall mean either (1) a multiple dwelling or homeownership project containing six or more dwelling units created through new construction or eligible conversion for which the commencement date is after December thirty-first, two thousand fifteen and on or before June fifteenth, two thousand twenty-two, and for which the completion date is on or before June fifteenth, two thousand twenty-six, or (2) a multiple dwelling or homeownership project containing six or more dwelling units created through new construction or eligible conversion which complies with affordability option A, affordability option B, affordability option D, affordability option E or affordability option F, and for which the commencement date is after December thirty-first, two thousand fifteen and on or before June fifteenth, two thousand twenty-two, and for which the completion date is on or before June fifteenth, two thousand thirty-one, provided that the owner of such multiple dwelling or homeownership project submits a letter of intent on a form to be promulgated by the New York city department of housing preservation and development, to such department, within ninety days of the date that such department promulgates such form. The New York city department of housing preservation and development shall promulgate such form no later than sixty days from the effective date of the chapter of the laws of 2024 which amended this subparagraph. For the purposes of this subparagraph, the term "letter of intent" means documentation certifying that the owner of such multiple dwelling or homeownership project outlined in this subparagraph intends to apply for the benefits described in this section upon the construction completion date. The New York city department of housing preservation and development shall prescribe, and make available to the

public, a "letter of intent form" by which owners may use to submit such letter of intent outlined in this subparagraph. The New York city department of housing preservation and development shall make information relating to letters of intent and corresponding projects available to the public, or (3) (A) is located on a parcel of land which was part of a tract of land for which a special permit for a large scale general development as defined in the zoning resolution of the city of New York was approved via the uniform land use review procedure pursuant to sections one hundred ninety-seven-c and one hundred ninety-seven-d of the New York city charter on or before June fifteenth, two thousand twenty-two, and such tract contains a multiple dwelling for which the commencement date is after December thirty-first, two thousand fifteen and on or before June fifteenth, two thousand twenty-two; and (B) complies with affordability option A, affordability option B, affordability option D, affordability option E or affordability option F.

(xxix) "Eligible site" shall mean either: (A) a tax lot containing an eligible multiple dwelling; or (B) a zoning lot containing two or more eligible multiple dwellings that are part of a single application.

(xxx) "Employee benefits" shall mean all supplemental compensation paid by the employer, on behalf of construction workers, other than wages, including, without limitation, any premiums or contributions made into plans or funds that provide health, welfare, non-occupational disability coverage, retirement, vacation benefits, holiday pay, life insurance and apprenticeship training. The value of any employee benefits received shall be determined based on the prorated hourly cost to the employer of the employee benefits received by construction workers.

(xxxi) "Enhanced affordability area" shall mean the Manhattan enhanced affordability area, the Brooklyn enhanced affordability area and the Queens enhanced affordability area.

(xxxii) "Enhanced thirty-five year benefit" shall mean: (A) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; and (B) for the next thirty-five years of the extended restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements.

(xxxiii) "Extended restriction period" shall mean a period commencing on the completion date and expiring on the fortieth anniversary of the completion date, notwithstanding any earlier termination or revocation of Affordable New York Housing Program benefits.

(xxxiv) "Fiscal officer" shall mean the comptroller or other analogous officer in a city having a population of one million or more.

(xxxv) "Floor area" shall mean the horizontal areas of the several floors, or any portion thereof, of a dwelling or dwellings, and accessory structures on a lot measured from the exterior faces of exterior walls, or from the center line of party walls.

(xxxvi) "Four percent tax credits" shall mean federal low income housing tax credits computed in accordance with clause (ii) of subparagraph (B) of paragraph (1) of subsection (b) of section forty-two of the internal revenue code of nineteen hundred eighty-six, as amended.

(xxxvii) "Homeownership project" shall mean a multiple dwelling or portion thereof operated as condominium or cooperative housing, however, it shall not include a multiple dwelling or portion thereof operated as cooperative or condominium housing located within the borough of Manhattan, and shall not include a multiple dwelling that contains more than thirty-five units.

(xxxviii) "Independent monitor" shall mean an accountant licensed and in good standing pursuant to article one hundred forty-nine of the education law.

(xxxix) "Job action" shall mean any delay, interruption or interference with the construction work caused by the actions of any labor organization or concerted action of any employees at the eligible site, including without limitation, strikes, sympathy strikes, work stoppages, walk outs, slowdowns, picketing, bannering, hand billing, demonstrations, sickouts, refusals to cross a picket line, refusals to handle struck business, and use of the rat or other inflatable balloons or similar displays.

(xl) "Market unit" shall mean a dwelling unit in an eligible multiple dwelling other than an affordable housing unit.

(xli) "Multiple dwelling" shall have the meaning set forth in the multiple dwelling law.

(xlii) "Non-residential tax lot" shall mean a tax lot that does not contain any dwelling units.

(xliii) "Manhattan enhanced affordability area" shall mean any tax lots now existing or hereafter created located entirely south of 96th street in the borough of Manhattan.

(xliv) "Project labor agreement" shall mean a pre-hire collective bargaining agreement setting forth the terms and conditions of employment for the construction workers on an eligible site.

(xlv) "Project-wide certified payroll report" shall mean a certified payroll report submitted by the independent monitor to the fiscal officer based on each contractor certified payroll report which sets forth the total number of hours of construction work performed by construction workers, the aggregate amount of wages and employee benefits paid to construction workers for construction work and the average hourly wage.

(xlvi) "Queens enhanced affordability area" shall mean any tax lots now existing or hereafter created which are located entirely within community boards one or two of the borough of Queens bounded and described as follows: All that piece or parcel of land situate and being in the boroughs of Queens and Brooklyn, New York. Beginning at the point being the intersection of the easterly shore of the East River with a line of prolongation of 20th Avenue projected northwesterly; Thence southeasterly on the line of prolongation of 20th Avenue and along 20th Avenue to the intersection with 31st Street; Thence southwesterly along 31st Street to the intersection with Northern Boulevard; Thence southwesterly along Northern Boulevard to the intersection with Queens Boulevard (aka Route 25); Thence southeasterly along Queens Boulevard to the intersection with Van Dam Street; Thence southerly along Van Dam Street to the intersection with Borden Avenue; Thence southwesterly along Van Dam Street to the intersection with Greenpoint Avenue and Review Avenue; Thence southwesterly along Greenpoint Avenue to the point of intersection with the centerline of Newtown Creek, said centerline of Newtown Creek also being the boundary between Queens County to the north and Kings County to the south; Thence northwesterly along the centerline of Newtown Creek, also being the boundary between Queens County and Kings County to its intersection with the easterly bounds of the East River; Thence in a general northeasterly direction along the easterly bulkhead or shoreline of the East River to the point or place of Beginning.

(xlvii) "Rent stabilization" shall mean, collectively, the rent stabilization law of nineteen hundred sixty-nine, the rent stabilization code, and the emergency tenant protection act of nineteen seventy-four, all as in effect as of the effective date of the chapter of the laws of two thousand fifteen that added this subdivision or as amended thereafter, together with any successor statutes or regulations addressing substantially the same subject matter.

(xlviii) "Rental project" shall mean an eligible site in which all dwelling units included in any application are operated as rental housing.

(xlix) "Residential tax lot" shall mean a tax lot that contains dwelling units.

(l) "Restriction period" shall mean a period commencing on the completion date and expiring on the thirty-fifth anniversary of the completion date, notwithstanding any earlier termination or revocation of Affordable New York Housing Program benefits.

(li) "Tax exempt bond proceeds" shall mean the proceeds of an exempt facility bond, as defined in paragraph (7) of subsection (a) of section one hundred forty-two of the internal revenue code of nineteen hundred eighty-six, as amended, the interest upon which is exempt from taxation under section one hundred three of the internal revenue code of nineteen hundred eighty-six, as amended.

(lii) "Third party fund administrator" shall be a person or entity that receives funds pursuant to paragraph (c) of this subdivision and oversees and manages the disbursement of such funds to construction workers. The third party fund administrator shall be a person or entity approved by the fiscal officer and recommended by one, or more, representative or representatives of the largest trade association of residential real estate developers, either for profit or not-for-profit, in New York city and one, or more, representative or representatives of the largest trade labor association representing building and construction workers, with membership in New York city. The third party fund administrator shall be appointed for a term of three years, provided, however, that the administrator in place at the end of a three year term shall continue to serve beyond the end of the term until a replacement administrator is appointed. The fiscal officer after providing notice and after meeting with the third party fund

administrator, may remove such administrator for cause upon a fiscal officer determination that the administrator has been ineffective at overseeing or managing the disbursement of funds to the construction workers. The third party fund administrator shall, at the request of the fiscal officer, submit reports to the fiscal officer.

(liii) "Thirty-five year benefit" shall mean: (A) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (B) for the first twenty-five years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; and (C) for the final ten years of the restriction period, an exemption from real property taxation, other than assessments for local improvements, equal to the affordability percentage.

(liv) "Twenty year benefit" shall mean: (A) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (B) for the first fourteen years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements, provided, however, that no exemption shall be given for any portion of a unit's assessed value that exceeds \$65,000; and (C) for the next six years of the restriction period, a twenty-five percent exemption from real property taxation, other than assessments for local improvements, provided, however, that no exemption shall be given for any portion of a unit's assessed value that exceeds \$65,000.

(lv) "Wages" shall mean all compensation, remuneration or payments of any kind paid to, or on behalf of, construction workers, including, without limitation, any hourly compensation paid directly to the construction worker, together with employee benefits, such as health, welfare, non-occupational disability coverage, retirement, vacation benefits, holiday pay, life insurance and apprenticeship training, and payroll taxes, including, to the extent permissible by law, all amounts paid for New York state unemployment insurance, New York state disability insurance, metropolitan commuter transportation mobility tax, federal unemployment insurance and pursuant to the federal insurance contributions act or any other payroll tax that is paid by the employer.

(b) Benefit. In cities having a population of one million or more, notwithstanding the provisions of any other subdivision of this section

or of any general, special or local law to the contrary, new eligible sites, except hotels, that comply with the provisions of this subdivision shall be exempt from real property taxation, other than assessments for local improvements, in the amounts and for the periods specified in this paragraph. A rental project that meets all of the requirements of this subdivision shall receive a thirty-five year benefit and a homeownership project that meets all of the requirements of this subdivision shall receive a twenty year benefit. A rental project that also meets all of the requirements of paragraph (c) of this subdivision shall receive an enhanced thirty-five year benefit.

(c) In addition to all other requirements set forth in this subdivision, rental projects containing three hundred or more rental dwelling units located within the enhanced affordability area shall comply with the requirements set forth in this paragraph. For purposes of this paragraph, "contractor" shall mean any entity which by agreement with another party (including subcontractors) undertakes to perform construction work at an eligible site and "applicant" shall mean an applicant for Affordable New York Housing Program benefits and any successor thereto.

(i) Such rental project shall comply with either affordability option E, affordability option F or affordability option G.

(ii) The minimum average hourly wage paid to construction workers on an eligible site within the Manhattan enhanced affordability area shall be no less than sixty dollars per hour. Three years from the effective date of the chapter of the laws of two thousand seventeen that added this paragraph and every three years thereafter, the minimum average hourly wage shall be increased by five percent; provided, however, that any building with a commencement date prior to the date of such increase shall be required to pay the minimum average hourly wage as required on its commencement date.

(iii) The minimum average hourly wage paid to construction workers on an eligible site within the Brooklyn enhanced affordability area or the Queens enhanced affordability area shall be no less than forty-five dollars per hour. Three years from the effective date of the chapter of the laws of two thousand seventeen that added this paragraph and every three years thereafter, the minimum average hourly wage shall be increased by five percent; provided, however, that any building with a

commencement date prior to the date of such increase shall be required to pay the minimum average hourly wage as required on its commencement date.

(iv) The requirements of subparagraphs (ii) and (iii) of this paragraph shall not be applicable to:

(A) an eligible multiple dwelling in which at least fifty percent of the dwelling units upon initial rental and upon each subsequent rental following a vacancy during the extended restriction period, are affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred twenty-five percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit;

(B) any portion of an eligible multiple dwelling which is owned and operated as a condominium or cooperative; or

(C) at the option of the applicant, to an eligible site subject to a project labor agreement.

(v) The applicant shall contract with an independent monitor. Such independent monitor shall submit to the fiscal officer within one year of the completion date a project-wide certified payroll report. In the event such project-wide certified payroll report is not submitted to the fiscal officer within the requisite time, the applicant shall be subject to a fine of one thousand dollars per week, or any portion thereof; provided that the maximum fine shall be seventy-five thousand dollars. In the event that the average hourly wage is less than the minimum average hourly wage set forth in subparagraph (ii) or (iii) of this paragraph as applicable, the project-wide certified payroll report shall also set forth the aggregate amount of such deficiency.

(vi) The contractor certified payroll report shall be submitted by each contractor and sub-contractor no later than ninety days after the completion of construction work by such contractor or sub-contractor. In the event that a contractor or sub-contractor fails or refuses to submit the contractor certified payroll report within the time prescribed in this subparagraph, the independent monitor shall notify the fiscal officer and the fiscal officer shall be authorized to fine such contractor or sub-contractor in the amount of one thousand dollars per week, or any portion thereof, provided that the maximum fine shall be seventy-five thousand dollars.

(vii) In the event that the project-wide certified payroll report shows that the average hourly wage as required by subparagraph (ii) or (iii) of this paragraph, as applicable, was not paid, (A) if the average hourly wage is within fifteen percent of the average hourly wage required by subparagraph (i) or (ii) of this paragraph, as applicable, then no later than one hundred twenty days from the date of submission of such project-wide certified payroll report, the applicant shall pay to the third party fund administrator an amount equal to the amount of the deficiency set forth in the project-wide certified payroll report. The third party fund administrator shall distribute such payment to the construction workers who performed construction work on such eligible site. Prior to making such repayment, the third party fund administrator shall submit to the fiscal officer a plan subject to the fiscal officer's approval setting forth the manner in which the third party fund administrator will reach the required average wage within one hundred fifty days of receiving the payment from the applicant and how any remaining funds will be disbursed in the event that the third party fund administrator cannot distribute the funds to the construction workers within one year of receiving fiscal officer approval. In the event that the applicant fails to make such payment within the time period prescribed in this subparagraph, the applicant shall be subject to a fine of one thousand dollars per week provided that the maximum fine shall be seventy-five thousand dollars; or (B) if the average hourly wage is more than fifteen percent below the minimum average hourly wage required by subparagraph (i) or (ii) of this paragraph, as applicable, then no later than one hundred twenty days from the date of submission of such project-wide certified payroll report, the applicant shall pay to the third party fund administrator an amount equal to the amount of the deficiency set forth in the project-wide payroll report. The third party fund administrator shall distribute such payment to the construction workers who performed construction work on such eligible site. Prior to making such repayment, the third party fund administrator shall submit to the fiscal officer a plan subject to the fiscal officer's approval setting forth the manner in which the third party fund administrator will reach the required average wage within one hundred fifty days of receiving the payment from the applicant and how any remaining funds will be disbursed in the event that the third party

fund administrator cannot distribute the funds to the construction workers within one year of receiving fiscal officer approval. In addition, the fiscal officer shall impose a penalty on the applicant in an amount equal to twenty-five percent of the amount of the deficiency, provided, however, that the fiscal officer shall not impose such penalty where the eligible multiple dwelling has been the subject of a job action which results in a work delay. In the event that the applicant fails to make such payment within the time period prescribed in this subparagraph, the applicant shall be subject to a fine of one thousand dollars per week, provided that the maximum fine shall be seventy-five thousand dollars. Notwithstanding any provision of this paragraph, the applicant shall not be liable in any respect whatsoever for any payments, fines or penalties related to or resulting from contractor fraud, mistake, or negligence or for fraudulent or inaccurate contractor certified payroll reports or for fraudulent or inaccurate project-wide certified payroll reports, provided, however, that payment to the third party fund administrator in the amount set forth in the project-wide certified payroll report as described in this subparagraph shall still be made by the contractor or sub-contractor in the event of underpayment resulting from or caused by the contractor or sub-contractor, and that the applicant will be liable for underpayment to the third party fund administrator unless the fiscal officer determines, in its sole discretion, that the underpayment was the result of, or caused by, contractor fraud, mistake or negligence and/or for fraudulent or inaccurate contractor certified payroll reports and/or project-wide certified payroll reports. The applicant shall otherwise not be liable in any way whatsoever once the payment to the third party fund administrator has been made in the amount set forth in the project-wide certified payroll report. Other than the underpayment, which must be paid to the third party fund administrator, all fines and penalties set forth in this paragraph imposed by the fiscal officer shall be paid to the agency and used by the agency to provide affordable housing.

(viii) Nothing in this paragraph shall be construed to confer a private right of action to enforce the provisions of this paragraph, provided, however, that this sentence shall not be construed as a waiver of any existing rights of construction workers or their representatives related to wage and benefit collection, wage theft or other labor

protections or rights and provided, further, that nothing in this paragraph relieves any obligations pursuant to a collective bargaining agreement.

(ix) A rental project containing three hundred or more residential dwelling units not located within the enhanced affordability area may elect to comply with the requirements of this paragraph and be eligible to receive an enhanced thirty-five year benefit. Such election shall be made in the application and shall not thereafter be changed. Such rental project shall comply with all of the requirements of this paragraph and shall be deemed to be located within the Brooklyn enhanced affordability area or the Queens enhanced affordability area for the purposes of this paragraph.

(x) The fiscal officer shall have the sole authority to determine and enforce any liability for underpayment owing to the third party fund administrator from the applicant and/or the contractor (as a result of contractor fraud, mistake or negligence and/or for fraudulent or inaccurate contractor certified payroll reports and/or project-wide certified payroll reports), as set forth in subparagraph (vii) of this paragraph. The fiscal officer shall expeditiously conduct an investigation and hearing at the New York City office of administrative trials and hearings, shall determine the issues raised thereon and shall make and file an order in his or her office stating such determination and forthwith serve a copy of such order, either personally or by mail, together with notice of filing, upon the parties to such proceedings. The fiscal officer in such an investigation shall be deemed to be acting in a judicial capacity and shall have the rights to issue subpoenas, administer oaths and examine witnesses. The enforcement of a subpoena issued under this subparagraph shall be regulated by the civil practice law and rules. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of the county clerk. The order may be enforced by and in the name of the fiscal officer in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

(d) Tax payments. In addition to any other amounts payable pursuant to this subdivision, the owner of any eligible site receiving Affordable New York Housing Program benefits shall pay, in each tax year in which such Affordable New York Housing Program benefits are in effect, real

property taxes and assessments as follows:

(i) with respect to each eligible multiple dwelling constructed on such eligible site, real property taxes on the assessed valuation of such land and any improvements thereon in effect during the tax year prior to the commencement date of such eligible multiple dwelling, without regard to any exemption from or abatement of real property taxation in effect during such tax year, which real property taxes shall be calculated using the tax rate in effect at the time such taxes are due; and

(ii) all assessments for local improvements.

(e) Limitation on benefits for non-residential space. If the aggregate floor area of commercial, community facility and accessory use space in an eligible site, other than parking which is located not more than twenty-three feet above the curb level, exceeds twelve percent of the aggregate floor area in such eligible site, any Affordable New York Housing Program benefits shall be reduced by a percentage equal to such excess. If an eligible site contains multiple tax lots, the tax arising out of such reduction in Affordable New York Housing Program benefits shall first be apportioned pro rata among any non-residential tax lots. After any such non-residential tax lots are fully taxable, the remainder of the tax arising out of such reduction in Affordable New York Housing Program benefits, if any, shall be apportioned pro rata among the remaining residential tax lots.

(f) Calculation of benefit. Based on the certification of the agency certifying the applicant's eligibility for Affordable New York Housing Program benefits, the assessors shall certify to the collecting officer the amount of taxes to be exempted.

(g) Affordability requirements. During the restriction period, a rental project shall comply with either affordability option A, affordability option B, or affordability option C or for purposes of a homeownership project, such project shall comply with affordability option D. Such election shall be made in the application and shall not thereafter be changed. The rental project shall also comply with all provisions of this paragraph during the restriction period and with subparagraph (iii) of this paragraph both during and after the restriction period to the extent provided in such subparagraph. A rental project containing three hundred or more rental dwelling units located

in the enhanced affordability area or a rental project containing three hundred or more rental dwelling units not located within the enhanced affordability area which elects to comply with the requirements of paragraph (c) of this subdivision shall comply with either affordability option E, affordability option F, or affordability option G. Such election shall be made in the application and shall not thereafter be changed. Such rental project shall also comply with all provisions of this paragraph during the extended restriction period and with subparagraph (iii) of this paragraph both during and after the extended restriction period to the extent provided in such paragraph.

(i) All rental dwelling units in an eligible multiple dwelling shall share the same common entrances and common areas as market rate units in such eligible multiple dwelling, and shall not be isolated to a specific floor or area of an eligible multiple dwelling. Common entrances shall mean any area regularly used by any resident of a rental dwelling unit in the eligible multiple dwelling for ingress and egress from such eligible multiple dwelling; and

(ii) Unless preempted by the requirements of a federal, state or local housing program, either (A) the affordable housing units in an eligible site shall have a unit mix proportional to the market units, or (B) at least fifty percent of the affordable housing units in an eligible site shall have two or more bedrooms and no more than twenty-five percent of the affordable housing units shall have less than one bedroom.

(iii) Notwithstanding any provision of rent stabilization to the contrary, all affordable housing units shall be fully subject to rent stabilization during the restriction period or extended restriction period, as applicable, provided that tenants holding a lease and in occupancy of such affordable housing units at the expiration of the restriction period or extended restriction period, as applicable, shall have the right to remain as rent stabilized tenants for the duration of their occupancy.

(iv) All rent stabilization registrations required to be filed pursuant to subparagraph (iii) of this paragraph shall contain a designation that specifically identifies affordable housing units created pursuant to this subdivision as "Affordable New York Housing Program affordable housing units" and shall contain an explanation of the requirements that apply to all such affordable housing units.

(v) Failure to comply with the provisions of this paragraph that require the creation, maintenance, rent stabilization compliance and occupancy of affordable housing units or for purposes of a homeownership project the failure to comply with affordability option D shall result in revocation of any Affordable New York Housing Program benefits for the period of such non-compliance.

(vi) Nothing in this subdivision shall (A) prohibit the occupancy of an affordable housing unit by individuals or families whose income at any time is less than the maximum percentage of the area median income, adjusted for family size, specified for such affordable housing unit pursuant to this subdivision, or (B) prohibit the owner of an eligible site from requiring, upon initial rental or upon any rental following a vacancy, the occupancy of any affordable housing unit by such lower income individuals or families.

(vii) Following issuance of a temporary certificate of occupancy and upon each vacancy thereafter, an affordable housing unit shall promptly be offered for rental by individuals or families whose income does not exceed the maximum percentage of the area median income, adjusted for family size, specified for such affordable housing unit pursuant to this subdivision and who intend to occupy such affordable housing unit as their primary residence. An affordable housing unit shall not be (A) rented to a corporation, partnership or other entity, or (B) held off the market for a period longer than is reasonably necessary to perform repairs needed to make such affordable housing unit available for occupancy.

(viii) An affordable housing unit shall not be rented on a temporary, transient or short-term basis. Every lease and renewal thereof for an affordable housing unit shall be for a term of one or two years, at the option of the tenant.

(ix) An affordable housing unit shall not be converted to cooperative or condominium ownership.

(x) The agency may establish by rule such requirements as the agency deems necessary or appropriate for (A) the marketing of affordable housing units, both upon initial occupancy and upon any vacancy, (B) monitoring compliance with the provisions of this paragraph and (C) the marketing and monitoring of any homeownership project that is granted an exemption pursuant to this subdivision. Such requirements may include,

but need not be limited to, retaining a monitor approved by the agency and paid for by the owner.

(xi) Notwithstanding any provision of this subdivision to the contrary, a market unit shall be subject to rent stabilization unless, in the absence of Affordable New York Housing Program benefits, the owner would be entitled to remove such market unit from rent stabilization upon vacancy by reason of the monthly rent exceeding any limit established thereunder.

(h) Building service employees. (i) For the purposes of this paragraph, "applicant" shall mean an applicant for Affordable New York Housing Program benefits, any successor to such applicant, or any employer of building service employees for such applicant, including, but not limited to, a property management company or contractor.

(ii) All building service employees employed by the applicant at the eligible site shall receive the applicable prevailing wage for the entire restriction period or extended restriction period, as applicable.

(iii) The fiscal officer shall have the power to enforce the provisions of this paragraph. In enforcing such provisions, the fiscal officer shall have the power:

(A) to investigate or cause an investigation to be made to determine the prevailing wages for building service employees; in making such investigation, the fiscal officer may utilize wage and fringe benefit data from various sources, including, but not limited to, data and determinations of federal, state or other governmental agencies;

(B) to institute and conduct inspections at the site of the work or elsewhere;

(C) to examine the books, documents and records pertaining to the wages paid to, and the hours of work performed by, building service employees;

(D) to hold hearings and, in connection therewith, to issue subpoenas, administer oaths and examine witnesses; the enforcement of a subpoena issued under this paragraph shall be regulated by the civil practice law and rules;

(E) to make a classification by craft, trade or other generally recognized occupational category of the building service employees and to determine whether such work has been performed by the building service employees in such classification;

(F) to require the applicant to file with the fiscal officer a record of the wages actually paid by such applicant to the building service employees and of their hours of work;

(G) to delegate any of the foregoing powers to his or her deputy or other authorized representative; and

(H) to promulgate rules as he or she shall consider necessary for the proper execution of the duties, responsibilities and powers conferred upon him or her by the provisions of this subparagraph.

(iv) If the fiscal officer finds that the applicant has failed to comply with the provisions of this paragraph, he or she shall present evidence of such noncompliance to the agency.

(v) Subparagraph (ii) of this paragraph shall not be applicable to:

(A) an eligible multiple dwelling containing less than thirty dwelling units; or

(B) an eligible multiple dwelling in which all of the dwelling units are affordable housing units and not less than fifty percent of such affordable housing units, upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, are affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred twenty-five percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(i) Replacement ratio. If the land on which an eligible site is located contained any dwelling units three years prior to the commencement date of the first eligible multiple dwelling thereon, then such eligible site shall contain at least one affordable housing unit for each dwelling unit that existed on such date and was thereafter demolished, removed or reconfigured.

(j) Concurrent exemptions or abatements. An eligible multiple dwelling receiving Affordable New York Housing Program benefits shall not receive any exemption from or abatement of real property taxation under any other law.

(k) Voluntary renunciation or termination. Notwithstanding the provisions of any general, special or local law to the contrary, an owner shall not be entitled to voluntarily renounce or terminate any Affordable New York Housing Program benefits unless the agency

authorizes such renunciation or termination in connection with the commencement of a new tax exemption pursuant to either the private housing finance law or section four hundred twenty-c of this title.

(l) Termination or revocation. The agency may terminate or revoke Affordable New York Housing Program benefits for noncompliance with this subdivision, provided, however, that the agency shall not terminate or revoke Affordable New York Housing Program benefits for a failure to comply with paragraph (c) of this subdivision. If Affordable New York Housing Program benefits are terminated or revoked for noncompliance with this subdivision, (i) all of the affordable housing units shall remain subject to rent stabilization and all other requirements of this subdivision for the restriction period or extended restriction period, as applicable, and any additional period expressly provided in this subdivision, as if the Affordable New York Housing Program benefits had not been terminated or revoked; (ii) all of the market rate housing units shall remain subject to rent stabilization and all other requirements of this subdivision for the restriction period or extended restriction period, as applicable, and any additional period expressly provided in this subdivision, as if the Affordable New York Housing Program benefits had not been terminated or revoked, provided, however, that the owner shall still be entitled to remove such market unit from rent stabilization upon vacancy by reason of the monthly rent exceeding any limit established thereunder; (iii) or for a homeownership project such project shall continue to comply with affordability option D of this subdivision and all other requirements of this subdivision for the restriction period and any additional period expressly provided in this subdivision, as if the Affordable New York Housing Program benefits had not been terminated or revoked.

(m) Powers cumulative. The enforcement provisions of this subdivision shall not be exclusive, and are in addition to any other rights, remedies, or enforcement powers set forth in any other law or available at law or in equity.

(n) Multiple tax lots. If an eligible site contains multiple tax lots, an application may be submitted with respect to one or more of such tax lots. The agency shall determine eligibility for Affordable New York Housing Program benefits based upon the tax lots included in such application and benefits for each multiple dwelling shall be based upon

the completion date of such multiple dwelling.

(o) Applications. (i) The application with respect to any eligible multiple dwelling shall be filed with the agency not later than one year after the completion date of such eligible multiple dwelling.

(ii) Notwithstanding the provisions of any general, special or local law to the contrary, the agency may require by rule that applications be filed electronically.

(iii) The agency may rely on certification by an architect or engineer submitted by an applicant in connection with the filing of an application. A false certification by such architect or engineer shall be deemed to be professional misconduct pursuant to section sixty-five hundred nine of the education law. Any licensee found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten of the education law shall be subject to the penalties prescribed in section sixty-five hundred eleven of the education law, and shall thereafter be ineligible to submit a certification pursuant to this subdivision.

(iv) The agency shall not require that the applicant demonstrate compliance with the requirements of paragraph (c) of this subdivision as a condition to approval of the application.

(p) Filing fee. The agency may require a filing fee of three thousand dollars per dwelling unit in connection with any application. However, the agency may promulgate rules imposing a lesser fee for eligible sites containing eligible multiple dwellings constructed with the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.

(q) Rules. Except as provided in paragraphs (c) and (h) of this subdivision, the agency shall have the sole authority to enforce the provisions of this subdivision and may promulgate rules to carry out the provisions of this subdivision.

(r) Election. Notwithstanding anything in this subdivision to the contrary, a rental project or homeownership project with a commencement date on or before December thirty-first, two thousand fifteen that has not received benefits pursuant to this section prior to the effective date of the chapter of the laws of two thousand fifteen that added this subdivision may elect to comply with this subdivision and receive

Affordable New York Housing Program benefits pursuant to this subdivision.

17. (a) Definitions. For purposes of this subdivision:

(i) "Affordable housing eighty percent units" shall mean dwelling units that: (A) are situated within the extended affordability property; (B) upon initial rental and upon each subsequent rental following a vacancy during the extended affordability period, are each affordable and restricted to occupancy by individuals or families whose household income does not exceed one hundred percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit; and (C) upon initial rental and upon each subsequent rental following a vacancy during the extended affordability period, are collectively affordable and restricted to occupancy by individuals or families whose household income does not exceed an average of eighty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(ii) "Affordable housing one hundred thirty percent units" shall mean dwelling units that: (A) are situated within an extended affordability property; and (B) upon initial rental and upon each subsequent rental following a vacancy during the extended affordability period, are each affordable and restricted to occupancy by individuals or families whose household income does not exceed one hundred thirty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(iii) "Affordable housing unit" shall mean, collectively and individually, affordable housing eighty percent units and affordable housing one hundred thirty percent units.

(iv) "Agency" shall mean the department of housing preservation and development.

(v) "Application" shall mean an application for extended benefits pursuant to this subdivision.

(vi) "Building service employee" shall mean any person who is regularly employed at, and performs work in connection with the care or maintenance of, an extended affordability property, including, but not limited to, a watchman, guard, doorman, building cleaner, porter,

handyman, janitor, gardener, groundskeeper, elevator operator and starter, and window cleaner, but not including persons regularly scheduled to work fewer than eight hours per week in the extended affordability property.

(vii) "Commencement date" shall mean the later of: (A) the expiration date; or (B) the restrictive declaration date.

(viii) "Expiration date" shall mean the date upon which benefits granted to a twenty year benefit property or twenty-five year benefit property pursuant to this section prior to the effective date of the chapter of the laws of two thousand fifteen that added this subdivision would expire.

(ix) "Extended affordability period" shall mean, notwithstanding any earlier termination or revocation of the extended benefit, the period commencing upon the commencement date and ending: (A) fifteen years thereafter for a twenty year benefit property; and (B) ten years thereafter for a twenty-five year benefit property.

(x) "Extended affordability property" shall mean a twenty year benefit property or a twenty-five year benefit property that complies with the provisions of this subdivision.

(xi) "Extended affordability requirement" shall mean that, within any extended affordability property: (A) not less than twenty percent of the dwelling units are affordable housing eighty percent units; and (B) not less than an additional five percent of the dwelling units are affordable housing one hundred thirty percent units.

(xii) "Extended benefit" shall mean, for any extended affordability property, a fifty percent exemption from real property taxation, other than assessments for local improvements, for the extended affordability period.

(xiii) "Fiscal officer" shall mean the comptroller or other analogous officer in a city having a population of one million or more.

(xiv) "Floor area" shall mean the horizontal areas of the several floors, or any portion thereof, of a dwelling or dwellings, and accessory structures on a lot measured from the exterior faces of exterior walls, or from the center line of party walls.

(xv) "Multiple dwelling" shall have the meaning set forth in the multiple dwelling law.

(xvi) "Residential tax lot" shall mean a tax lot that contains

dwelling units.

(xvii) "Restrictive declaration" shall mean a document executed by all parties in interest to the extended affordability property which provides that, during the extended affordability period, the extended affordability property shall comply with the extended affordability requirement.

(xviii) "Restrictive declaration date" shall mean the date upon which the restrictive declaration is recorded against the extended affordability property.

(xix) "Twenty year benefit property" shall mean a multiple dwelling that commenced construction prior to July first, two thousand eight and that was granted benefits pursuant to this section prior to the effective date of the chapter of the laws of two thousand fifteen that added this subdivision due to its compliance with the requirements of item b of clause (A) of subparagraph (iv) of paragraph (a) of subdivision two of this section.

(xx) "Twenty-five year benefit property" shall mean a multiple dwelling that commenced construction prior to July first, two thousand eight and that was granted benefits pursuant to this section prior to the effective date of the chapter of the laws of two thousand fifteen that added this subdivision due to its compliance with the requirements of item b of clause (D) of subparagraph (iii) of paragraph (a) of subdivision two of this section.

(b) Benefit. In cities having a population of one million or more, notwithstanding the provisions of any other subdivision of this section or of any general, special or local law to the contrary, an extended affordability property shall be granted an extended benefit, provided, however, that such extended benefit shall be available only if all residential tax lots in such extended affordability property operate as rental housing.

(c) Tax payments. In addition to any other amounts payable pursuant to this subdivision, the owner of an extended affordability property receiving an extended benefit shall pay, in each tax year in which such extended benefit is in effect, real property taxes and assessments as follows:

(i) real property taxes on the assessed valuation of such land and any improvements thereon in effect during the tax year preceding the

commencement of the construction of such extended affordability property without regard to any exemption or abatement from real property taxation in effect prior to such construction which real property taxes shall be calculated on the tax rate in effect at the time such taxes are due; and

(ii) all assessments for local improvements.

(d) Limitation on benefits for non-residential space. Any extended benefit shall be reduced by the percentage of aggregate floor area of the extended affordability property occupied by commercial, community facility, parking, and accessory uses as provided in paragraph (d) of subdivision two of this section.

(e) Calculation of benefit. Based on the certification of the agency certifying the applicant's eligibility for the extended benefit, the assessors shall certify to the collecting officer the amount of taxes to be exempted.

(f) Affordability requirement. During the extended affordability period, an extended affordability property must comply with the extended affordability requirement and the restrictive declaration. The extended affordability property shall also comply with all provisions of this paragraph during the extended affordability period and with subparagraph (i) of this paragraph both during and after the extended affordability period to the extent provided in such subparagraph.

(i) Notwithstanding the provisions of any local law for the stabilization of rents or the emergency tenant protection act of nineteen seventy-four, all affordable housing units in an extended affordability property shall be fully subject to control under such local law or such act during the extended affordability period, provided that tenants holding a lease and in occupancy of such affordable housing units in an extended affordability property at the expiration of the extended affordability period shall have the right to remain as rent stabilized tenants for the duration of their occupancy. Upon any vacancy of an affordable housing unit after the extended affordability period, such affordable housing unit shall remain fully subject to rent stabilization unless the owner is entitled to remove such affordable housing unit from rent stabilization upon such vacancy by reason of the monthly rent exceeding any limit established thereunder.

(ii) All rent stabilization registrations required to be filed pursuant to subparagraph (i) of this paragraph shall contain a

designation that specifically identifies affordable housing units complying with the extended affordability requirement as "421-a affordable housing units" and shall contain an explanation of the requirements that apply to all such affordable housing units.

(iii) Failure to comply with the provisions of this paragraph that require the maintenance, rent stabilization and occupancy of affordable housing units in an extended affordability property shall result in revocation of the extended benefit for the period of such non-compliance.

(iv) Nothing in this subdivision shall: (A) prohibit the occupancy of an affordable housing unit by individuals or families whose income at any time is less than the maximum percentage of the area median income, adjusted for family size, specified for such affordable housing unit pursuant to this subdivision; or (B) prohibit the owner of an extended affordability property from requiring, upon initial rental or upon any rental following a vacancy, the occupancy of any affordable housing unit by such lower income individuals or families.

(v) Upon each vacancy, an affordable housing unit shall promptly be offered for rental by individuals or families whose income does not exceed the maximum percentage of the area median income, adjusted for family size, specified for such affordable housing unit pursuant to this subdivision and who intend to occupy such affordable housing unit as their primary residence. An affordable housing unit shall not be: (A) rented to a corporation, partnership or other entity; or (B) held off the market for a period longer than is reasonably necessary to perform repairs needed to make such affordable housing unit available for occupancy.

(vi) An affordable housing unit shall not be rented on a temporary, transient or short-term basis. Every lease and renewal thereof for an affordable housing unit shall be for a term of one or two years, at the option of the tenant.

(vii) An affordable housing unit shall not be converted to cooperative or condominium ownership.

(viii) The agency may establish by rule such requirements as the agency deems necessary or appropriate for: (A) the marketing of affordable housing units; and (B) monitoring compliance with the provisions of this paragraph. Such requirements may include, but need

not be limited to, retaining a monitor approved by the agency and paid for by the owner.

(g) Building service employees. (i) For the purposes of this paragraph, "applicant" shall mean an applicant for extended benefits, any successor to such applicant, or any employer of building service employees for such applicant, including, but not limited to, a property management company or contractor.

(ii) All building service employees employed by the applicant at the extended affordability property shall receive the applicable prevailing wage for the entire extended affordability period.

(iii) The fiscal officer shall have the power to enforce the provisions of this paragraph. In enforcing such provisions, the fiscal officer shall have the power:

(A) to investigate or cause an investigation to be made to determine the prevailing wages for building service employees; in making such investigation, the fiscal officer may utilize wage and fringe benefit data from various sources, including, but not limited to, data and determinations of federal, state or other governmental agencies;

(B) to institute and conduct inspections at the site of the work or elsewhere;

(C) to examine the books, documents and records pertaining to the wages paid to, and the hours of work performed by, building service employees;

(D) to hold hearings and, in connection therewith, to issue subpoenas, administer oaths and examine witnesses; the enforcement of a subpoena issued under this paragraph shall be regulated by the civil practice law and rules;

(E) to make a classification by craft, trade or other generally recognized occupational category of the building service employees and to determine whether such work has been performed by the building service employees in such classification;

(F) to require the applicant to file with the fiscal officer a record of the wages actually paid by such applicant to the building service employees and of their hours of work;

(G) to delegate any of the foregoing powers to his or her deputy or other authorized representative; and

(H) to promulgate rules as he or she shall consider necessary for the

proper execution of the duties, responsibilities and powers conferred upon him or her by the provisions of this subparagraph.

(iv) If the fiscal officer finds that the applicant has failed to comply with the provisions of this paragraph, he or she shall present evidence of such noncompliance to the agency.

(v) Subparagraph (ii) of this paragraph shall not be applicable to:

(A) an extended affordability property containing less than thirty dwelling units; or

(B) an extended affordability property in which all of the dwelling units are affordable housing units and not less than fifty percent of such affordable housing units, upon initial rental and upon each subsequent rental following a vacancy during the extended affordability period, are affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred twenty-five percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(h) Concurrent exemptions or abatements. An extended affordability property receiving an extended benefit shall not receive any exemption from or abatement of real property taxation under any other law.

(i) Voluntary renunciation or termination. Notwithstanding the provisions of any general, special or local law to the contrary, an owner shall not be entitled to voluntarily renounce or terminate an extended benefit unless the agency authorizes such renunciation or termination in connection with the commencement of a new tax exemption pursuant to either the private housing finance law or section four hundred twenty-c of this title.

(j) Termination or revocation. The agency may terminate or revoke the extended benefit for noncompliance with this subdivision. If the extended benefit is terminated or revoked for noncompliance with this subdivision, all of the affordable housing units shall remain subject to the provisions of any local law for the stabilization of rents or the emergency tenant protection act of nineteen seventy-four and all other requirements of this subdivision for the entire extended affordability period and any additional period expressly provided in this subdivision, as if the extended benefit had not been terminated or revoked.

(k) Powers cumulative. The enforcement provisions of this subdivision shall not be exclusive, and are in addition to any other rights,

remedies, or enforcement powers set forth in any other law or available at law or in equity.

(l) Multiple tax lots. If an extended affordability property contains multiple tax lots, an application may be submitted with respect to one or more of such tax lots. The agency shall determine eligibility for an extended benefit based upon the tax lots included in such application.

(m) Applications. (i) The application with respect to any extended affordability property shall include a certification that: (A) the restrictive declaration has been recorded against the extended affordability property; and (B) the extended affordability property is in compliance with such restrictive declaration and this subdivision.

(ii) The application with respect to any extended affordability property shall be filed with the agency on or before the later of: (A) December thirty-first, two thousand sixteen; or (B) eighteen months after the expiration date.

(iii) Notwithstanding the provisions of any general, special or local law to the contrary, the agency may require by rule that applications be filed electronically.

(iv) The agency may rely on certification by an architect or engineer submitted by an applicant in connection with the filing of an application. A false certification by such architect or engineer shall be deemed to be professional misconduct pursuant to section sixty-five hundred nine of the education law. Any licensee found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten of the education law shall be subject to the penalties prescribed in section sixty-five hundred eleven of the education law, and shall thereafter be ineligible to submit a certification pursuant to this subdivision.

(n) Filing fee. The agency may require a filing fee of three thousand dollars per dwelling unit in connection with any application.

(o) Rules. The agency may promulgate rules to carry out the provisions of this subdivision.

(p) Authority of city to enact local law. Except as otherwise specified in this subdivision, a city to which this subdivision is applicable may enact a local law to restrict, limit or condition the eligibility for or the scope or amount of extended benefits in any manner, provided that such local law may not grant extended benefits

beyond those provided in this subdivision and provided further that such local law shall not take effect sooner than one year after it is enacted. The provisions of sections 11-245 and 11-245.1 of the administrative code of the city of New York or of any other local law of the city of New York that were enacted on or before the effective date of the chapter of the laws of two thousand fifteen that added this paragraph shall not restrict, limit or condition the eligibility for or the scope or amount of extended benefits pursuant to this subdivision.

18. (a) For the purposes of this subdivision:

(i) "Agency" shall have the same meaning as in subparagraph (xvi) of paragraph (a) of subdivision sixteen of this section.

(ii) "Audit" shall mean any audit of an eligible property performed by the agency under the program created by the agency pursuant to paragraph (b) of this subdivision.

(iii) "Eligible property" shall mean any eligible multiple dwelling that was granted benefits under the Affordable New York Housing Program pursuant to this section, and any previous iteration of such tax benefit program, on or after January first, two thousand fourteen, and was subject to rent registration, affordability, and/or rent stabilization requirements pursuant to this section on or after January first, two thousand fourteen.

(b) The agency shall create a program to annually audit and review eligible properties to confirm that owners of eligible properties are complying with the rent registration, affordability, and rent stabilization requirements of the applicable subdivision of this section. Any owner of an eligible property subject to an audit shall provide any and all information, data, or documentation within such owner's or an agent of such owner's reasonable possession or control to the agency which the agency requests, in such form or manner as the agency requests, in order to complete an audit. The division of housing and community renewal and the New York city department of finance shall cooperate with the agency to provide such information within their reasonable possession and control to the agency as the agency may request, in such form or manner as the agency requests, to carry out an audit. The initial audit shall be completed on or before December thirty-first, two thousand twenty-five. The agency shall publish the

results of the audit annually on or before December thirty-first and shall make the results of any audit publicly available on the agency's website. No more than twenty-five percent of eligible properties shall be subject to an audit each year, and no eligible property shall be subject to an audit in two consecutive audits. The agency shall select properties for an audit through a randomized process to be established and implemented by the agency. Only eligible properties that received benefits and were subject to affordability, rent stabilization, and/or rent registration requirements during the prior year shall be considered eligible.

(c) (i) If an audit finds that any owner of an eligible property is not in compliance with the rent registration, affordability, or rent stabilization requirements of the applicable subdivision of this section, the agency shall, where necessary for enforcement, present evidence of such noncompliance to the division of housing and community renewal and the New York city department of finance of such noncompliance no later than fifteen days after the results of the audit have been published on the agency's website.

(ii) The agency, the division of housing and community renewal, and the New York city department of finance may enforce any noncompliance with the rent registration, affordability, and rent stabilization requirements of the applicable subdivision of this section that are identified pursuant to an audit as authorized under this section or any other law, rule, or regulation.

§ 421-b. Exemption of certain private dwellings, multiple dwellings and improvements from local taxation; certain cases. 1. (a) Within a city having a population of one million or more, private dwellings (land and improvements) to be occupied as a residence for the first time, whether newly constructed or resulting from the conversion of any building or structure to a private dwelling, and existing private dwellings previously occupied, reconstructed or improved to the extent of at least forty percent of their assessed valuation without the improvement, shall be exempt from all local and municipal taxes, other than assessments for local improvements, during the tax year or years next following the taxable status date or dates after commencement and

before completion of construction, reconstruction or conversion thereof, but for no more than two years after commencement of such construction, reconstruction or conversion, and shall be exempt from such local and municipal taxes after the earlier of completion of such construction, reconstruction or conversion or the end of such two year period, as follows: two years of exemption from all such taxes; followed by one year of exemption from seventy-five percent of such taxes; followed by one year of exemption from sixty-two and one-half percent of such taxes; followed by one year of exemption from fifty percent of such taxes; followed by one year of exemption from thirty-seven and one-half percent of such taxes; followed by one year of exemption from twenty-five percent of such taxes; and followed by one year of exemption from twelve and one-half percent of such taxes. Notwithstanding the foregoing provisions of this paragraph: (i) exemption from local and municipal taxes under this section shall not be available to property exempt from such taxes under any other law; (ii) the tax lot (land and improvements) upon which the private dwelling is constructed, reconstructed or converted shall at all times be subject to local and municipal taxes in an amount not less than the amount of local and municipal taxes that would be payable thereon based upon the lesser of the assessed valuation, during the tax year immediately preceding the tax year in which such construction, reconstruction or conversion commenced or in the case of new construction, the assessed valuation of the land appearing on the assessment roll in the first year after completion of construction; and (iii) in the event that a private dwelling, whether owner occupied or not, is fully demolished and removed on or after September first, two thousand four, the tax lot (land and improvements) upon which such private dwelling was located shall not be eligible for exemption from local and municipal taxes under this section for a period of three years commencing upon the date of issuance of the demolition and removal permit for such private dwelling.

(b) Within a city having a population of one million or more, multiple dwellings (land and improvements) containing not more than four dwelling units to be occupied as a residence for the first time, whether newly constructed or resulting from the conversion of any building or structure to a multiple dwelling, and existing multiple dwellings containing not more than four dwelling units previously occupied,

reconstructed or improved to the extent of at least forty percent of their assessed valuation without the improvement, shall be exempt from all local and municipal taxes, other than assessments for local improvements, during the tax year or years next following the taxable status date or dates after commencement and before completion of construction, reconstruction or conversion thereof, but for no more than two years after commencement of such construction, reconstruction or conversion, and shall be exempt from such local and municipal taxes after the earlier of completion of such construction, reconstruction or conversion or the end of such two year period, as follows: two years of exemption from all such taxes; followed by one year of exemption from seventy-five percent of such taxes; followed by one year of exemption from sixty-two and one-half percent of such taxes; followed by one year of exemption from fifty percent of such taxes; followed by one year of exemption from thirty-seven and one-half percent of such taxes; and followed by one year of exemption from twenty-five percent of such taxes; and followed by one year of exemption from twelve and one-half percent of such taxes. Notwithstanding the foregoing provisions of this paragraph: (i) exemption from local and municipal taxes under this section shall not be available to property exempt from such taxes under any other law; (ii) the tax lot (land and improvements) upon which the multiple dwelling is constructed, reconstructed or converted shall at all times be subject to local and municipal taxes in an amount not less than the amount of local and municipal taxes that would be payable thereon based upon the lesser of the assessed valuation, during the tax year immediately preceding the tax year in which such construction, reconstruction or conversion commenced or in the case of new construction, the assessed valuation of the land appearing on the assessment roll in the first year after completion of construction; (iii) multiple dwellings (land and improvements) shall not be eligible for exemption from local and municipal taxes under this section unless such multiple dwellings are developed in a governmentally assisted project, as defined in rules promulgated by the local housing agency; and (iv) such multiple dwellings are constructed, reconstructed or converted on real property that has been (A) acquired by the federal government as the result of the foreclosure of a mortgage loan insured by the federal government and (B) conveyed by the federal government to

an owner approved by the local housing agency for the purpose of rehabilitation in accordance with an agreement between the owner of the real property and the federal government.

2. (a) For purposes of this section: "private dwelling" shall mean an owner occupied building or structure, with the land on which the same is constructed, intended for residential use and occupancy by one or more families living independently of each other with separate cooking facilities, which is not a multiple dwelling within the meaning of the multiple dwelling law, and the construction, reconstruction or conversion of which (i) is commenced after July first, nineteen hundred seventy-eight and before July first, nineteen hundred eighty-two and is completed no later than April first, nineteen hundred eighty-four; (ii) is commenced on or after July first, nineteen hundred eighty-two and before July first, nineteen hundred eighty-six and is completed no later than July first, nineteen hundred eighty-eight; (iii) is commenced on or after July first, nineteen hundred eighty-six and before July first, nineteen hundred ninety and is completed no later than July first, nineteen hundred ninety-two; (iv) is commenced on or after July first, nineteen hundred ninety and before July first, nineteen hundred ninety-four and is completed no later than July first, nineteen hundred ninety-six; (v) is commenced on or after July first, nineteen hundred ninety-four and before July first, nineteen hundred ninety-eight and is completed no later than July first, two thousand; (vi) is commenced on or after July first, nineteen hundred ninety-eight and before July first, two thousand two and is completed no later than July first, two thousand four; or (vii) is commenced on or after July first, two thousand two and before July first, two thousand six and is completed no later than July first, two thousand eleven.

(b) For purposes of this section: "multiple dwelling" shall mean an owner occupied building or structure, with the land on which the same is constructed, which is a multiple dwelling within the meaning of section four of the multiple dwelling law, and the construction, reconstruction or conversion of which is commenced on or after July first, two thousand two and before July first, two thousand six and is completed no later than July first, two thousand eight.

(c) Construction or reconstruction of, or conversion to, a private

dwelling or multiple dwelling shall be deemed to have commenced when the agency or department of the city having jurisdiction has issued a permit for construction work and such work has begun in good faith in accordance with such permit; construction, reconstruction or conversion shall be deemed to have been completed when the agency or department of the city having jurisdiction has issued a temporary or permanent certificate of occupancy under which occupancy of the private dwelling or multiple dwelling for residential use may lawfully begin or the reconstruction has been finally accepted and approved.

(d) For the purposes of this section: "local housing agency" shall have the same meaning as the term "agency" under section five hundred two of the general municipal law, except that the term shall mean the department of housing preservation and development if there is such a department in such city.

(e) Upon issuance of a violation by an agency, department or bureau of the city of New York for an illegal occupancy, the finance department shall revoke the tax exemption thereunder. The owner shall pay the city, with interest, the amount of taxes from which such owner had been exempted. Such amount, if unpaid, shall become a lien against the property.

3. (a) Applications for exemption under this section shall be filed with the assessors between February first and March fifteenth of the calendar year and, based on the certification of the local housing agency pursuant to this section, the assessors shall certify to the collecting officer the amount of exemption from local and municipal taxes. No such application shall be accepted by the assessors unless accompanied by a certificate of the local housing agency certifying eligibility for exemption pursuant to this section.

(b) The local housing agency may promulgate rules and regulations to carry out the provisions of this section and may require payment of a reasonable filing fee, and in the case of an application involving a dwelling which has been reconstructed or improved a fee not to exceed ten dollars for the certification of such local housing agency under this subdivision.

(c) At any time after two years of exemption from taxation pursuant to this section, the local housing agency may certify to the assessors and

the collecting officer that a private dwelling or multiple dwelling is not being used for residential purposes and upon the filing of such certification with the assessors and the collecting officer, exemption from taxation under this section shall terminate.

§ 421-c. Exemption of certain new multiple dwellings from local taxation. 1. The provisions of this section shall apply to each town, village or city with a population of less than one million which has declared an emergency in accordance with the provisions of the emergency tenant protection act of nineteen seventy-four and which adopts a resolution making the provisions of this section applicable to such town, village or city. The owner of housing accommodations in a newly constructed building, which would be subject to the provisions of such act except for the fact that the building was completed on or after January first, nineteen hundred seventy-four, may file a declaration, in a form suitable for recording, with the rent guidelines board subjecting such housing accommodations to the provisions of said act.

2. Such new residential buildings shall be exempt from all taxes imposed by a municipal corporation including those imposed by a school district, other than assessments for local improvements, during construction and so long as used for residence purposes for a period not to exceed ten years in the aggregate after the taxable status date immediately following the completion thereof, consisting of two years of full exemption followed by two years of exemption from eighty percent of such taxation, followed by two years of exemption from sixty percent of such taxation, followed by two years of exemption from forty percent of such taxation, followed by two years of exemption from twenty percent of such taxation; provided that taxes shall be paid during any such period at least in the amount of the taxes paid on such land and any improvements thereon during the tax year preceding the commencement of such construction and that exemption from taxes shall not be availed of concurrently under any other law. To be eligible for exemption under this section such construction shall take place on vacant, predominantly vacant or under-utilized land, or on land improved with a non-conforming use. The initial legal regulated rents to be charged upon initial

occupancy after construction aided by exemption under this section shall be at least fifteen percent less than the rents prevailing for comparable newly constructed residential units in the same area or any comparable area; and notwithstanding the provisions of the emergency tenant protection act of nineteen seventy-four, the rents shall be fully subject to regulation under such act for a period of ten years or for the period such act is in effect in the municipality in which the building is situate, whichever is shorter, at the expiration of which such rent shall be deregulated, unless immediately prior to such expiration such rents would have been regulated by the provisions of any law other than pursuant to this section, in which event such rents shall continue subject to such regulation to the same extent and in the same manner as if this section had never applied thereto. Any additional taxes levied against the building as a result of the phase-out of the exemption provided by this section may be charged by the owner to the tenants on an equitable basis without seeking the approval of the local rent guidelines board. For the purposes of this section, construction shall be deemed commenced when excavation has begun in good faith on the basis of approved construction plans.

3. Application forms for exemption under this section shall be filed with the assessor between February first and March fifteenth, and, based on the certification of the local rent guidelines board, the assessors shall certify to the collecting officer the amount of taxes to be abated. No such application shall be accepted by the assessors unless accompanied by a certificate of the local rent guidelines board certifying the applicant's eligibility pursuant to subdivision one of this section. Requests to these local rent guidelines boards for certification shall be accompanied by a ten-year projection of the rents based on current levels of operating costs and showing to the satisfaction of such board a relative stability of rents over such period reflecting to the extent that this is practicable, and averaging of the tax benefits of this section in the interests of the tenants. The state division of housing and community renewal may promulgate rules and regulations to carry out the provisions of this section, not inconsistent with the provisions hereof.

*** § 421-d. Exemption of multiple dwellings financed by the New York state housing finance agency from local taxation.** 1. The local legislative body of any city, town or village having a population of less than one million is hereby authorized and empowered to adopt and amend a local law to provide that any new or rehabilitated housing development, as defined in section forty-two of the private housing finance law, subject to a mortgage, the loan for which was made or financed by notes, bonds or other obligations of the New York state housing finance agency, the interest on which is exempt from taxation pursuant to the Internal Revenue Code of 1954, as amended, after the adoption of such local law shall be exempt from taxation as provided by such local law.

2. (a) Such local law may provide that such eligible property shall be exempt from all taxes imposed by a municipal corporation, including those imposed by or on behalf of a school district, other than special assessments and special ad valorem levies, during construction or rehabilitation, but for no longer than three years.

(b) Such local law may also provide that the eligible property shall be exempt upon the conclusion of the exemption period authorized by paragraph (a) of this subdivision, for as long as construction or rehabilitation continues and, thereafter, for so long as such mortgage is outstanding and the housing development, as defined in section forty-two of the private housing finance law, is used for residential unit purposes; provided, that the exemption authorized by this subdivision shall be for a period not to exceed fifteen years in the aggregate after the conclusion of the exemption authorized by paragraph (a) of this subdivision, and shall not exceed the following limitations: three years of full exemption, followed by three years of exemption from eighty percent of the assessed value of such property, followed by three years of exemption from sixty percent of the assessed value of such property, followed by three years of exemption from forty percent of the assessed value of such property, followed by three years of exemption from twenty percent of the assessed value of such property; and provided that taxes shall be paid during any such period after the taxable status date immediately following the completion of construction or

rehabilitation at least in the amount of the taxes paid on such land and improvements thereon during the fiscal year preceding the commencement of such construction or rehabilitation and that the exemption from taxes shall not be availed of concurrently under any other law.

* NB Repealed July 23, 2027

§ 421-e. Exemption of cooperative, condominium, homesteading and rental projects from local taxation. The local legislative body of any city, town or village is hereby authorized and empowered to adopt and amend a local law to provide that any cooperative, condominium, homesteading or rental project which receives payments, grants or loans pursuant to article eighteen of the private housing finance law or any new construction project which receives payments, grants or loans pursuant to article nineteen of the private housing finance law shall be exempt from taxation as provided in such local law. Such local law may provide that such eligible property shall be exempt from all or any portion of the taxes imposed by a municipality, including those imposed by a school district, other than assessments for local improvements for a period not to exceed twenty years in the aggregate after the taxable status date immediately following the completion thereof, calculated not to exceed the following exemptions: twelve years of full exemption followed by two years of exemption from eighty percent of such taxation, followed by two years of exemption from sixty percent of such taxation, followed by two years of exemption from forty percent of such taxation, followed by two years of exemption from twenty percent of such taxation; provided that the tax exemption authorized by this section shall be in addition to any other tax exemption or abatement authorized by law, and provided further, however, that in the event a cooperative, condominium, homesteading or rental project ceases to be subject to one or more provisions of article eighteen of the private housing finance law pursuant to the provisions of paragraph (c) of subdivision six-a of section eleven hundred two of such law, any tax exemption authorized pursuant to this section with respect to the eligible property of such project shall terminate.

§ 421-f. * Exemption of capital improvements to residential buildings and certain new construction.

* NB Effective until January 1, 2026

* Exemption of capital improvements to residential buildings.

* NB Effective January 1, 2026

1. Residential buildings reconstructed, altered or improved subsequent to the effective date of a local law or resolution pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of a county, city, town or village may adopt a local law and a school district, other than a school district subject to article fifty-two of the education law, may adopt a resolution to grant the exemption authorized pursuant to this section. A copy of such local law or resolution shall be filed with the commissioner and the assessor of such county, city, town or village who prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

* 1-a. Buildings classified as class one property in section eighteen hundred two of this chapter reconstructed, altered, improved, or newly constructed in a special assessing unit that is not a city shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter in the same manner and to the same extent to county, town, special district and school district taxes levied on the assessment roll prepared by such special assessing unit. Additional buildings and yard improvements shall be excluded from receiving this exemption. An application shall not be required to receive the exemption.

* NB Repealed January 1, 2026

* 2. (a) Such buildings shall be exempt for a period of one year to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement, and new construction pursuant to subdivision one-a of this section, and for an additional period of seven years subject to the following:

(i) The extent of such exemption shall be decreased by twelve and one-half per centum of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the

exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Except in a special assessing unit that is not a city, such exemption shall be limited to eighty thousand dollars in increased market value, or such other sum less than eighty thousand dollars, but not less than five thousand dollars as may be provided by the local law or resolution, of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. In a special assessing unit that is not a city, the exemption shall be limited to seven hundred fifty thousand dollars in increased market value. For the purposes of this section, the market value of the reconstruction, alteration or improvement, or new construction as authorized by subdivision one-a of this section, shall be equal to the increased assessed value attributable to such reconstruction,

alteration, improvement or new construction divided by the class one ratio in a special assessing unit or the most recently established state equalization rate or special equalization rate in the remainder of the state, except where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, in which case the increase in assessed value attributable to such reconstruction, alteration, improvement or new construction shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) Except in a special assessing unit that is not a city, no such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or improvement was commenced subsequent to the effective date of the local law or resolution adopted pursuant to subdivision one of this section; and

(ii) the value of such reconstruction, alteration or improvement exceeds three thousand dollars; and

(iii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

* NB Effective until January 1, 2026

* 2. (a) Such buildings shall be exempt for a period of one year to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of seven years subject to the following:

(i) The extent of such exemption shall be decreased by twelve and one-half per centum of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the

total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Such exemption shall be limited to eighty thousand dollars in increased market value, or such other sum less than eighty thousand dollars, but not less than five thousand dollars as may be provided by the local law or resolution, of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the class I ratio in a special assessing unit or the most recently established state equalization rate or special equalization rate in the remainder of the state, except where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, in which case the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) No such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or improvement was commenced subsequent to the effective date of the local law or resolution adopted

pursuant to subdivision one of this section; and

(ii) the value of such reconstruction, alteration or improvement exceeds three thousand dollars; and

(iii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

* NB Effective January 1, 2026

* 3. Except in a special assessing unit that is not a city, such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village or county. In a special assessing unit that is not a city, the exemption shall be applied based upon that completion of reconstruction, alteration, improvement or new construction on or before the applicable taxable status date of the special assessing unit; provided, however that the exemption for such reconstruction, alteration, improvement or new construction that occurred after the taxable status date of such special assessing unit for the two thousand nineteen -- two thousand twenty assessment roll and on or before the taxable status date of such special assessing unit for the two thousand twenty -- two thousand twenty-one assessment roll shall be applied beginning with the two thousand twenty-one -- two thousand twenty-two assessment roll.

* NB Effective until January 1, 2026

* 3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village or county.

* NB Effective January 1, 2026

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad

valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

* 5. For the purposes of this section, except in a special assessing unit that is not a city, a residential building shall mean any building or structure designed and occupied exclusively for residential purposes by not more than two families.

* NB Effective until January 1, 2026

* 5. For the purposes of this section, a residential building shall mean any building or structure designed and occupied exclusively for residential purposes by not more than two families.

* NB Effective January 1, 2026

* 6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes, is no longer classified as class one property in a special assessing unit that is not a city, or title thereto is transferred to other than the heirs or distributees of the owner in other than a special assessing unit that is not a city, the exemption granted pursuant to this section shall cease.

* NB Effective until January 1, 2026

* 6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

* NB Effective January 1, 2026

* 7. (a) Except for a special assessing unit that is not a city, a county, city, town or village may, by its local law, or school district, by its resolution:

(i) reduce the per centum of exemption otherwise allowed pursuant to this section;

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations or improvements as are prescribed in such local law or resolution;

(iii) provide that the exemption shall be applicable only to those

improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing residential structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

(b) No such local law or resolution shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

* NB Effective until January 1, 2026

* 7. (a) A county, city, town or village may, by its local law, or school district, by its resolution:

(i) reduce the per centum of exemption otherwise allowed pursuant to this section;

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations or improvements as are prescribed in such local law or resolution;

(iii) provide that the exemption shall be applicable only to those improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing residential structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

(b) No such local law or resolution shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

* NB Effective January 1, 2026

8. The provisions of this section shall not apply to a city with a population of more than one million.

§ 421-ff. Exemption of capital improvements to residential buildings in cities with a population between twenty-seven thousand five hundred and twenty-eight thousand based upon the two thousand ten federal census. 1. Residential buildings which have been reconstructed, altered or improved subsequent to the effective date of a local law pursuant to this section shall be exempt from taxation and special ad valorem levies

to the extent provided hereinafter in cities with a population between twenty-seven thousand five hundred and twenty-eight thousand based upon the two thousand ten federal census. For purposes of this section, "reconstruction", "alteration" or "improvement" shall not include ordinary maintenance and repairs. After a public hearing, the governing board of a city with such a population may adopt a local law to grant the exemption authorized pursuant to this section. A copy of such local law shall be filed with the commissioner and the assessor of such city who prepares the assessment roll on which the taxes of such city are levied.

2. Such buildings shall be exempt for a period of two years to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction, alterations or improvements and for an additional period of four years subject to the following:

(a) The extent of such exemption shall be decreased by twenty per centum of the "exemption base" each year during such additional four-year period, such that during year three there shall be an exemption of eighty per centum of the increase in assessed value thereof attributable, during year four there shall be an exemption of sixty per centum of the increase in assessed value thereof attributable, in year five there shall be an exemption of forty per centum of the increase in assessed value thereof attributable and in year six there shall be an exemption of twenty per centum of the increase in assessed value thereof attributable; and

(b) The "exemption base" shall be the increase in assessed value due to improvements as determined by the assessor in the initial year of such six-year period following the filing of an original application.

3. There shall be enhanced benefits for improvement to real property meeting certification standards for green buildings. Such residential real property that has been reconstructed, altered or improved that is certified under a certification standard approved by the city which is determined to be equivalent to the leadership in energy and environmental design (LEED) certification for the categories of certified/silver, gold or platinum as meeting green building standards shall be exempt for the following percentages, provided that a copy of

the certification for a qualified category is filed with the assessor of such city and the assessor approves the application for the applicable category as meeting the requirements of this section and the local law of such city:

(a) Certified/silver certification standard. Such buildings shall be exempt for a period of three years to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of four years. The extent of such exemption shall be decreased by twenty per centum of the "exemption base" each year during such additional four-year period such that during year four there shall be an exemption of eighty per centum of the increase in assessed value thereof attributable, during year five there shall be an exemption of sixty per centum of the increase in assessed value thereof attributable, in year six there shall be an exemption of forty per centum of the increase in assessed value thereof attributable and in year seven there shall be an exemption of twenty per centum of the increase in assessed value thereof attributable. The "exemption base" shall be the increase in assessed value due to improvements as determined by the assessor in the initial year of such seven-year period following the filing of an original application;

(b) Gold standard. Such buildings shall be exempt for a period of four years to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of four years. The extent of such exemption shall be decreased by twenty per centum of the "exemption base" each year during such additional four-year period such that during year five there shall be an exemption of eighty per centum of the increase in assessed value thereof attributable, during year six there shall be an exemption of sixty per centum of the increase in assessed value thereof attributable, in year seven there shall be an exemption of forty per centum of the increase in assessed value thereof attributable and in year eight there shall be an exemption of twenty per centum of the increase in assessed value thereof attributable. The "exemption base" shall be the increase in assessed value due to improvements as determined by the assessor in the initial year of such eight-year period following the filing of an original application; or

(c) Platinum standard. Such buildings shall be exempt for a period of six years to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of four years. The extent of such exemption shall be decreased by twenty per centum of the "exemption base" each year during such additional four-year period such that during year seven there shall be an exemption of eighty per centum of the increase in assessed value thereof attributable, during year eight there shall be an exemption of sixty per centum of the increase in assessed value thereof attributable, in year nine there shall be an exemption of forty per centum of the increase in assessed value thereof attributable and in year ten there shall be an exemption of twenty per centum of the increase in assessed value thereof attributable. The "exemption base" shall be the increase in assessed value due to improvements as determined by the assessor in the initial year of such ten-year period following the filing of an original application.

4. Exemptions granted pursuant to this section shall apply to real property taxes imposed for city purposes.

5. No such exemption shall be granted unless:

(a) Such reconstruction, alteration or improvement was commenced subsequent to the effective date of the local law or resolution adopted pursuant to subdivision one of this section;

(b) The value of such reconstruction, alteration or improvement exceeds the sum of seventy-five hundred dollars; and

(c) Such reconstruction, alteration or improvement is documented by a building permit, if required, for the improvements or other appropriate documentation as required by the city assessor.

6. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. Such application shall be filed with the assessor of a city with a population of not less than twenty-seven thousand five hundred and not more than twenty-eight thousand on or before the appropriate taxable status date of such city and within one year after the date of completion of such reconstruction, alteration or improvement.

7. If satisfied that the applicant is entitled to an exemption pursuant to this section, the city assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies by the city as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision six of this section. The assessor shall enter the assessed value of any exemption granted pursuant to this section on the assessment roll for the taxable property, with the amount of the exemption shown in a separate column. In any case where there is an enhanced exemption benefit based on a certification of certified/silver, gold or platinum LEED standards in accordance with applicable certification standards approved by the city, a copy of such certification shall be filed in the subject real property file.

8. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for residential purposes, the exemption granted pursuant to this section shall cease.

§ 421-g. Exemption from local taxation of certain multiple dwellings.

1. When used in this section:

(a) "Aggregate floor area" shall mean the sum of the gross areas of the several floors of a building, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings.

(b) "Applicant" shall mean any person obligated to pay real property taxes on the property for which an exemption from or abatement of real property taxes under this section is sought or in the case of exempt property, the record owner or lessee thereof.

(c) "Benefit period" shall mean the period of time when a recipient is eligible to receive benefits pursuant to subdivisions two and three of this section.

(d) "Certificate of eligibility" shall mean the document issued by the department of housing preservation and development certifying a tax lot as eligible for benefits pursuant to this section.

(e) "Commencement of conversion" shall mean the date of issuance by

the department of buildings of a building permit for the conversion of a non-residential building to an eligible multiple dwelling, provided however that such permit is issued on or after July first, nineteen hundred ninety-five and no later than June thirtieth, two thousand six.

(f) "Completion of conversion" shall mean the date of issuance by the department of buildings of a temporary or permanent certificate of occupancy for the portion of the building for which an application for a certificate of eligibility is filed.

(g) "Eligible area" shall mean any area of a city having a population of one million or more persons in which, subject to the applicable law governing zoning in such city, tax benefits pursuant to this section for eligible multiple dwellings are available, provided, however, that in the city of New York, subject to the applicable law governing zoning in such city, the eligible area in which tax benefits pursuant to this section for eligible multiple dwellings are available shall mean the area in the borough of Manhattan bounded by Murray Street on the north starting at the intersection of West Street and Murray Street; running easterly along the center line of Murray Street; connecting through City Hall Park with the center line of Frankfort Street and running easterly along the center lines of Frankfort and Dover Streets to the intersection of Dover Street and South Street; running southerly along the center line of South Street to Peter Minuit Plaza; connecting through Peter Minuit Plaza to the center line of State Street and running northwesterly along the center line of State Street to the intersection of State Street and Battery Place; running westerly along the center line of Battery Place to the intersection of Battery Place and West Street; and running northerly along the center line of West Street to the intersection of West Street and Murray Street.

(h) "Eligible multiple dwelling" shall mean a class A multiple dwelling, except a hotel, created from conversion of a non-residential building, provided, however, that such multiple dwelling is located within an eligible area, and provided further, however, that the aggregate floor area of commercial, community facility and accessory use space within such multiple dwelling does not exceed twenty-five per centum of the aggregate floor area of such multiple dwelling.

(i) "Non-residential building" shall mean a structure or portion of a structure having at least one floor, a roof and at least three walls

enclosing all or most of the space used in connection with the structure or portion of the structure, which has a certificate of occupancy for commercial, manufacturing or other non-residential use for not less than ninety per centum of the aggregate floor area of such structure or portion of such structure, or other proof of such non-residential use as is acceptable to the department of housing preservation and development.

(j) "Person" shall mean an individual, corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.

(k) "Recipient" shall mean an applicant to whom a certificate of eligibility has been issued pursuant to this section, or the successor in interest of such applicant, provided that where a person who has entered into a lease or purchase agreement with the owner or lessee of exempt property has been a co-applicant, such person or the successor in interest of such person shall be the recipient.

2. (a) Within a city having a population of one million or more persons, a tax lot containing an eligible multiple dwelling that is the subject of a certificate of eligibility issued pursuant to this section shall be exempt from real property taxation for local purposes, other than assessments for local improvements, on the amount of the assessed value attributable exclusively to the physical improvement, for a period not to exceed twelve consecutive years beginning in the tax year immediately following the issuance of a certificate of eligibility, so long as such eligible multiple dwelling is used or held out for use for dwelling purposes, except as otherwise provided herein. During the first eight years, the exemption shall equal the amount of the assessed value attributable exclusively to the physical improvement. During the ninth year, the exemption shall equal eighty per centum of such amount; during the tenth year, the exemption shall equal sixty per centum of such amount; during the eleventh year, the exemption shall equal forty per centum of such amount; and during the twelfth year, the exemption shall equal twenty per centum of such amount.

The following table shall illustrate the computation of the exemption pursuant to this paragraph:

Tax Year Following

Percentage of

Date of Issuance of Certificate of Eligibility	Applicable Exemption
1	100%
2	100%
3	100%
4	100%
5	100%
6	100%
7	100%
8	100%
9	80%
10	60%
11	40%
12	20%

(b) Notwithstanding paragraph (a) of this subdivision, within a city having a population of one million or more persons, a tax lot containing an eligible multiple dwelling that is the subject of a certificate of eligibility issued pursuant to this section and that is in a building that, in accordance with procedures set forth in local law, was designated as a landmark before completion of conversion shall be exempt from real property taxation for local purposes, other than assessments for local improvements, on the amount of the assessed value attributable exclusively to the physical improvement, for a period not to exceed thirteen consecutive years beginning in the tax year immediately following the issuance of a certificate of eligibility, so long as such eligible multiple dwelling is used or held out for use for dwelling purposes, except as otherwise provided herein. During the first nine years, the exemption shall equal the amount of the assessed value attributable exclusively to the physical improvement. During the tenth year, the exemption shall equal eighty per centum of such amount; during the eleventh year, the exemption shall equal sixty per centum of such amount; during the twelfth year, the exemption shall equal forty per centum of such amount; and during the thirteenth year, the exemption shall equal twenty per centum of such amount.

The following table shall illustrate the computation of the exemption pursuant to this paragraph:

Tax Year Following Date of Issuance of Certificate of Eligibility	Percentage of Applicable Exemption
1	100%
2	100%
3	100%
4	100%
5	100%
6	100%
7	100%
8	100%
9	100%
10	80%
11	60%
12	40%
13	20%

2-a. Within a city having a population of one million or more persons, a tax lot containing a non-residential building shall be exempt from real property taxation for local purposes, other than assessments for local improvements, on the amount of the assessed value attributable exclusively to the physical improvement, for the tax year immediately following the first taxable status date that meets the following two conditions: (i) such taxable status date occurs after the commencement of conversion and (ii) such taxable status date is the first taxable status date on which an increase in assessed value attributable to such physical improvement has been assessed. Notwithstanding the foregoing sentence, no such exemption shall be granted if completion of conversion occurs before the fifteenth day of April following such taxable status date. In the event that an exemption granted pursuant to this subdivision is not reflected on the final assessment roll prepared on the basis of such taxable status date, the commissioner of finance is hereby authorized to refund or credit in the fiscal year relating to such taxable status date or in the next following fiscal year an amount equivalent to the exempt amount multiplied by the applicable tax rate. In addition to any other basis for revocation of an exemption granted pursuant to this section, the exemption granted pursuant to this

subdivision to a non-residential building shall be revoked if such building is not converted into an eligible multiple dwelling that is the subject of a certificate of eligibility issued pursuant to this section.

3. (a) Within a city having a population of one million or more persons, in addition to the benefits set forth in subdivision two of this section, a tax lot containing an eligible multiple dwelling that is the subject of a certificate of eligibility issued pursuant to this section shall receive an abatement of real property taxes for a period not to exceed fourteen consecutive years beginning in the tax year immediately following the issuance of a certificate of eligibility, so long as such eligible multiple dwelling is used or held out for use for dwelling purposes, except as otherwise provided herein. During the first year, the abatement shall be equal to the amount of the real property tax that would have been due but for such abatement, provided, however, that if the tax lot, during the first year of such abatement, was fully or partially exempt from real property taxes, other than pursuant to the exemption authorized by this section, then the abatement shall equal the amount of the real property tax that would have been due but for such full or partial exemption. During the second through tenth years, the abatement shall equal one hundred per centum of such amount; during the eleventh year, the abatement shall equal eighty per centum of such amount; during the twelfth year, the abatement shall equal sixty per centum of such amount; during the thirteenth year, the abatement shall equal forty per centum of such amount; and during the fourteenth year, the abatement shall equal twenty per centum of such amount.

The following table shall illustrate the computation of the abatement pursuant to this paragraph:

Tax Year Following Date of Issuance of Certificate of Eligibility	Percentage of Applicable Abatement
1	100%
2	100%
3	100%
4	100%
5	100%

6	100%
7	100%
8	100%
9	100%
10	100%
11	80%
12	60%
13	40%
14	20%

(b) Notwithstanding paragraph (a) of this subdivision, within a city having a population of one million or more persons, in addition to the benefits set forth in subdivision two of this section, a tax lot containing an eligible multiple dwelling that is the subject of a certificate of eligibility issued pursuant to this section and that is in a building that, in accordance with procedures set forth in local law, was designated as a landmark before completion of conversion shall receive an abatement of real property taxes for a period not to exceed fifteen consecutive years beginning in the tax year immediately following the issuance of a certificate of eligibility, so long as such eligible multiple dwelling is used or held out for use for dwelling purposes, except as otherwise provided herein. During the first year, the abatement shall be equal to the amount of the real property tax that would have been due but for such abatement, provided, however, that if the tax lot, during the first year of such abatement, was fully or partially exempt from real property taxes, other than pursuant to the exemption authorized by this section, then the abatement shall equal the amount of the real property tax that would have been due but for such full or partial exemption. During the second through eleventh years, the abatement shall equal one hundred per centum of such amount; during the twelfth year, the abatement shall equal eighty per centum of such amount; during the thirteenth year, the abatement shall equal sixty per centum of such amount; during the fourteenth year, the abatement shall equal forty per centum of such amount; and during the fifteenth year, the abatement shall equal twenty per centum of such amount.

The following table shall illustrate the computation of the abatement pursuant to this paragraph:

Tax Year Following Date of Issuance of Certificate of Eligibility	Percentage of Applicable Abatement
1	100%
2	100%
3	100%
4	100%
5	100%
6	100%
7	100%
8	100%
9	100%
10	100%
11	100%
12	80%
13	60%
14	40%
15	20%

(c) If, as a result of application to the tax commission or a court order or action by the department of finance, the billable assessed value is reduced, the department of finance shall recalculate the abatement utilizing such reduced billable assessed value. The amount equal to the difference between the abatement originally granted and the abatement as so recalculated shall be deducted from any refund otherwise payable or remission otherwise due as a result of such reduction in billable assessed value, and any balance of such amount remaining unpaid after making any such deduction shall be paid to the department of finance within thirty days from the date of mailing by the department of finance of a notice of the amount payable. Such amount payable shall constitute a tax lien on the eligible multiple dwelling as of the date of such notice and, if not paid within such thirty-day period, penalty and interest at the rate applicable to delinquent taxes on such eligible multiple dwelling shall be charged and collected on such amount from the date of such notice to the date of payment.

4. If the aggregate floor area of commercial, community facility and accessory use space exceeds twelve per centum of the aggregate floor

area of any building receiving benefits pursuant to this section, the benefits provided pursuant to this section shall be equal to the amount provided by subdivisions two, two-a and three of this section, reduced by a percentage equal to the difference between the per centum of the aggregate floor area that is commercial, community facility and accessory use space and twelve per centum, provided, however, that if the aggregate floor area of such building contains more than twenty-five per centum of commercial, community facility and accessory use space no benefits shall be available pursuant to this section. In calculating aggregate floor area for purposes of subdivision two-a of this section, "aggregate floor area" shall mean the intended aggregate floor area after completion of conversion, as set forth in the building plans filed with the department of buildings. If, after completion of conversion, the actual aggregate floor area of commercial, community facility and accessory use space is greater than the intended aggregate floor area of such space and the actual aggregate floor area of such space exceeds twelve per centum of the actual aggregate floor area, then the benefits granted pursuant to subdivision two-a of this section shall be revoked or partially revoked, as required, to reflect the actual aggregate floor area of such space. If a building contains a separately assessed non-residential parcel, the aggregate floor area of such parcel shall not be considered in calculating the aggregate floor area of commercial, community facility and accessory use space relevant to determining eligibility for, and amount of, benefits pursuant to this section. For the purposes of this section, accessory use space shall not include home occupation space or accessory parking space located not more than twenty-three feet above the curb level.

5. Benefits under this section may not be combined with benefits under any other section of this chapter for the same tax lot.

6. Notwithstanding the provisions of any local law for the stabilization of rents in multiple dwellings or the emergency tenant protection act of nineteen seventy-four, the rents of each dwelling unit in an eligible multiple dwelling shall be fully subject to control under such local law, unless exempt under such local law from control by reason of the cooperative or condominium status of the dwelling unit,

for the entire period for which the eligible multiple dwelling is receiving benefits pursuant to this section, provided, however, that for purposes of this subdivision, an eligible multiple dwelling receiving benefits pursuant to this section whose benefits are suspended, terminated or revoked by the department of housing preservation and development shall be deemed to be receiving benefits for the length of time such benefits would have been received if such benefits had not been suspended, terminated or revoked, or for the period such local law is in effect, whichever is shorter. Thereafter, such rents shall continue to be subject to such control, except that such rents that would not have been subject to such control but for this subdivision, shall be decontrolled if the landlord has included in each lease and renewal thereof for such unit for the tenant in residence at the time of such decontrol a notice in at least twelve point type informing such tenant that the unit shall become subject to such decontrol upon the expiration of benefits pursuant to this section.

7. (a) In a non-residential building of less than one hundred thousand square feet of aggregate floor area, completion of conversion to an eligible multiple dwelling of at least seventy-five per centum of the aggregate floor area of such non-residential building must take place within three years of commencement of conversion.

(b) Only the aggregate floor area for which conversion is completed within such three-year period shall be considered in calculating the exemption and abatement provided pursuant to this section.

(c) In a non-residential building of less than one hundred thousand square feet of aggregate floor area containing a separately assessed non-residential parcel, the aggregate floor area of such separately assessed non-residential parcel shall not be considered in determining whether seventy-five per centum of the aggregate floor area of such non-residential building has been converted to an eligible multiple dwelling.

8. (a) In a non-residential building of one hundred thousand square feet or more of aggregate floor area, completion of conversion to an eligible multiple dwelling of at least seventy-five per centum of the aggregate floor area of such non-residential building must take place

within five years of commencement of conversion, provided, however, that completion of conversion to an eligible multiple dwelling of at least fifty per centum of the aggregate floor area of such non-residential building must take place within three years of commencement of conversion, and provided further that proof of completion of partial conversion within three years shall be submitted with an application for a certificate of eligibility for full exemption and abatement benefits pursuant to this section.

(b) In a non-residential building of one hundred thousand square feet or more of aggregate floor area in which completion of conversion to an eligible multiple dwelling of at least fifty per centum of the aggregate floor area of such non-residential building has taken place within three years of commencement of conversion, and which is the subject of a certificate of eligibility for partial exemption and partial abatement issued pursuant to this section, partial exemption and partial abatement of real property taxes shall be available, as follows: (i) partial exemption benefits shall equal the amount of the assessed value attributable exclusively to the physical improvement resulting from the conversion of at least fifty per centum of the aggregate floor area of the non-residential building that has received a temporary certificate of occupancy and (ii) partial abatement benefits shall be equal to the amount of the real property tax that would have been due during the first year of such partial abatement but for such partial abatement upon the amount of square feet of aggregate floor area of the non-residential building that has received a temporary certificate of occupancy for conversion of at least fifty per centum of the aggregate floor area of the non-residential building, provided, however, that if the tax lot, during the first year of such partial abatement was fully or partially exempt from real property taxes, other than pursuant to the exemption authorized by this section, then the partial abatement shall be equal to the amount of real property tax that would have been due upon such amount of square feet of aggregate floor area of the non-residential building but for such full or partial exemption. Nothing in this paragraph shall be deemed to require an applicant to apply for partial exemption or abatement benefits pursuant to this section, provided, however, that if an applicant applies for a certificate of eligibility for such benefits, he or she shall submit proof of completion of partial

conversion with the application for such certificate.

(c) In a non-residential building of one hundred thousand square feet or more of aggregate floor area only the aggregate floor area for which conversion is completed within the five-year period specified in paragraph (a) of this subdivision or, in the case of partial exemption from or partial abatement of real property taxes, the three-year period specified in paragraph (b) of this subdivision, shall be considered in calculating the exemption and abatement provided pursuant to this section, provided, however, that neither partial exemption from nor partial abatement of real property taxes shall be available for commercial, community facility or accessory use space.

(d) In a non-residential building of one hundred thousand square feet or more of aggregate floor area containing a separately assessed non-residential parcel, the aggregate floor area of such separately assessed non-residential parcel shall not be considered in determining whether seventy-five per centum or, in the case of partial exemption from or partial abatement of real property taxes, fifty per centum of the aggregate floor area of such non-residential building has been converted to an eligible multiple dwelling.

(e) Any partial exemption from or partial abatement of real property taxes granted pursuant to this section for a non-residential building of one hundred thousand square feet or more of aggregate floor area shall be revoked if completion of conversion to an eligible multiple dwelling of at least seventy-five per centum of the aggregate floor area of such non-residential building has not taken place within five years of commencement of conversion.

(f) The time periods specified in subdivisions two and three of this section shall begin upon receipt of any partial exemption from or partial abatement of real property taxes for a non-residential building of one hundred thousand square feet or more of aggregate floor area.

9. (a) An application for a certificate of eligibility for full exemption and abatement benefits pursuant to this section shall be filed with the department of housing preservation and development no later than close of business day on the thirty-first day of March immediately following the first taxable status date following completion of conversion. If a certificate of eligibility for partial exemption and

abatement benefits pursuant to this section is sought by an applicant, an application for a certificate of eligibility for such benefits shall be filed with the department of housing preservation and development no later than close of business day on the thirty-first day of March immediately following the first taxable status date following completion of partial conversion. The department of housing preservation and development shall issue a certificate of eligibility for benefits upon determining that the applicant satisfies the requirements of this section.

(b) In addition to any other information required by the department of housing preservation and development, an application for a certificate of eligibility for benefits under this section shall state that the applicant agrees to comply with and be subject to rules promulgated by the department of finance and the department of housing preservation and development to secure compliance with this section and all applicable local, state and federal laws. Such application shall also certify that all taxes, water charges and sewer rents currently due and owing on the property which is the subject of the application have been paid or are currently being paid in timely installments pursuant to written agreement with the department of finance or other appropriate agency.

(c) The burden of proof shall be on the applicant to show by clear and convincing evidence that the requirements for granting benefits under this section have been satisfied. The department of housing preservation and development shall have the authority to require that statements in connection with the application shall be made under oath.

(d) The department of finance and the department of housing preservation and development may promulgate rules to carry out the purposes of this section, including, but not limited to, rules providing for such administrative charges or fees as are necessary to defray expenses in administering the benefit program provided pursuant to this section and rules defining, or expanding upon the definition of, terms used in this section.

10. Any tax lot which is partly located inside the eligible area shall be deemed to be entirely located inside such area.

11. No benefits pursuant to this section shall be granted for any

conversion to an eligible multiple dwelling unless the applicant shall file, together with the application for a certificate of eligibility, an affidavit setting forth the following information:

(a) a statement that within the seven years immediately preceding the date of application for a certificate of eligibility, neither the applicant, nor any person owning a substantial interest in the property as defined in paragraph (c) of this subdivision, nor any officer, director or general partner of the applicant or such person was finally adjudicated by a court of competent jurisdiction to have violated section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction with respect to any building, or was an officer, director or general partner of a person at the time such person was finally adjudicated to have violated such law; and

(b) a statement setting forth any pending charges alleging violation of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction with respect to any building by the applicant or any person owning a substantial interest in the property as defined in paragraph (c) of this subdivision, or any officer, director or general partner of the applicant or such person, or any person for whom the applicant or person owning a substantial interest in the property is an officer, director or general partner.

(c) "Substantial interest" as used in this subdivision and subdivision twelve of this section shall mean ownership and control of an interest of ten per centum or more in property or any person owning a property.

12. (a) If any person described in the statement required by paragraph (b) of subdivision eleven of this section or paragraph (b) of this subdivision is finally adjudicated by a court of competent jurisdiction to be guilty of any charge listed in such statement, the recipient shall cease to be eligible for benefits pursuant to this section and shall pay, with interest, any taxes for which benefits were claimed pursuant to this section.

(b) The recipient shall, on the certificate of continuing use, state whether any charges alleging violation by the recipient or any person owning a substantial interest in the property, or any officer, director

or general partner of the recipient or person owning a substantial interest in the property, or any person for whom the recipient or person owning a substantial interest in the property is an officer, director or general partner, of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction, are pending. For purposes of this paragraph, "substantial interest" shall have the same meaning as set forth in paragraph (c) of subdivision eleven of this section.

13. In addition to any other qualifications for benefits pursuant to this section, an applicant must be:

(a) obligated to pay real property tax on the property for which benefits are sought, whether such obligation arises because of record ownership of such property, or because the obligation to pay such tax has been assumed by contract; or

(b) the record owner or lessee of property which is exempt from real property taxation who has entered into an agreement to sell or lease such property to another person. Such person shall be a co-applicant with such owner or lessee.

14. A co-applicant with a public entity shall be eligible to receive benefits pursuant to this section, provided that for such period as the property which is the subject of the certificate of eligibility is exempt from real property taxation because it is owned or controlled by a public entity no benefits shall be available to such recipient pursuant to this section. Such recipient shall receive benefits pursuant to this section when such property ceases to be eligible for exemption pursuant to other provisions of law, as follows: the recipient shall, commencing with the date such tax exemption ceases, and continuing until the expiration of the benefit period pursuant to this section, receive the benefits to which such recipient is entitled in the corresponding tax year pursuant to this section.

15. For the duration of the benefit period, the recipient shall file annually with the department of housing preservation and development, on or before the taxable status date, a certificate of continuing use. Such certificate shall be on a form prescribed by the department of housing

preservation and development. The department of housing preservation and development shall have the authority to require such information as it deems necessary to determine whether the recipient has established continuing eligibility for benefits. The department of housing preservation and development shall have the authority to terminate benefits pursuant to this section upon failure of the recipient to file such certificate by the taxable status date. The burden of proof shall be on the recipient to establish continuing eligibility for benefits and the department of housing preservation and development may require that statements made in such certificate shall be made under oath.

16. Any recipient whose property is the subject of a certificate of eligibility for benefits pursuant to this section who converts aggregate floor area within such property from the use authorized pursuant to this section where such conversion results in less than seventy-five per centum of the aggregate floor area of such property being used or held out for use for dwelling purposes, or where such conversion results in more than twenty-five per centum of such aggregate floor area being used or held out for use for commercial, community facility or accessory use space, or where such conversion in a building of one hundred thousand square feet or more of aggregate floor area that has a certificate of eligibility for a partial exemption or partial abatement pursuant to subdivision eight of this section results in less than fifty per centum of such aggregate floor area being used or held out for use for dwelling purposes, shall cease to be eligible for benefits as of the last date upon which the recipient met the requirements of this section and proves by clear and convincing evidence that at least seventy-five per centum of the aggregate floor area of the property was used or held out for use for dwelling purposes, or twenty-five per centum or less of the aggregate floor area of such property was used or held out for use for commercial, community facility or accessory use space, or at least fifty per centum of the aggregate floor area of such property in a building of one hundred thousand square feet or more which is receiving partial exemption or partial abatement benefits was used or held out for use for dwelling purposes, respectively. Such recipient shall pay, with interest, any taxes for which benefits were claimed after such date, including the pro-rata share of tax for which any benefits were claimed

during the tax year in which the property was converted to a use not eligible for benefits under this section.

17. All taxes plus interest required to be paid retroactively pursuant to this section shall constitute a tax lien as of the date that it is determined that such taxes and interest are owed. All interest shall be calculated from the date the taxes would have been due but for the benefits claimed pursuant to this section at three per centum above the applicable rate of interest imposed by such city generally for non-payment of real property tax with respect to such property for the period in question.

18. (a) The department of housing preservation and development may deny, reduce, suspend, terminate or revoke any exemption from or abatement of tax payments pursuant to this section whenever: (i) a recipient fails to comply with the requirements of this section or the rules promulgated hereunder; or (ii) an application, certificate, report or other document submitted by an applicant or recipient pursuant to this section or the rules promulgated hereunder contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statements therein not false or misleading. The department of housing preservation and development may declare any applicant or recipient referred to in subparagraph (i) or (ii) of this paragraph to be ineligible for future benefits pursuant to this section for the same or other property.

(b) Notwithstanding any other law to the contrary, a recipient shall be personally liable for any taxes owed pursuant to this section whenever such recipient fails to comply with this section or the rules promulgated hereunder, or makes such false or misleading statement or omission, and the department of housing preservation and development determines that such act was due to the recipient's willful neglect, or that under the circumstances such act constituted a fraud on the department of housing preservation and development, or a buyer or prospective buyer of the property. The remedy provided herein for an action in personam shall be in addition to any other remedy or procedure for the enforcement of collection of delinquent taxes provided by any general, special or local law. Any lease provision which obligates a

tenant to pay taxes which become due because of willful neglect or fraud by the recipient, or otherwise relieves or indemnifies the recipient from any personal liability arising hereunder, shall be void as against public policy except where the imposition of such taxes or liability is occasioned by actions of the tenant in violation of the lease.

(c) In order to carry out the purposes of this section the department of housing preservation and development may administer oaths to and take the testimony of any person, including but not limited to the owner of property which is the subject of an application for a certificate of eligibility or a certificate of eligibility pursuant to this section and issue subpoenas requiring the attendance of persons and the production of such bills, books, papers or other documents as it shall deem necessary.

(d) If, during the benefit period, any real property tax or water or sewer charge due and payable with respect to property receiving an exemption or abatement pursuant to this section shall remain unpaid for at least one year following the date upon which such tax or charge became due and payable, all exemptions and abatements granted pursuant to this section with respect to such property shall be revoked, unless within thirty days from the mailing of a notice of revocation by the department of finance satisfactory proof is presented to the department of finance that any and all delinquent taxes and charges owing with respect to such property as of the date of such notice have been paid in full or are currently being paid in timely installments pursuant to a written agreement with the department of finance or other appropriate agency. Any revocation pursuant to this paragraph shall be effective with respect to real property tax which became due and payable following the date of such revocation.

*** § 421-h. Exemption of capital improvements to multiple dwelling buildings within certain cities.** 1. Multiple dwelling buildings, reconstructed, altered, converted back to an owner occupied single family dwelling or any owner occupied multiple dwelling located in any city having a population of more than twenty-two thousand inhabitants but less than twenty-three thousand inhabitants, determined in accordance with the latest federal decennial census, that is reduced to

at most two units by such reconstruction subsequent to the effective date of a local law pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of such city may adopt a local law to grant the exemption authorized pursuant to this section. A copy of such local law shall be filed with the commissioner and the assessor of such city who prepares the assessment roll on which the taxes of such city are levied.

2. (a) Such buildings within such city shall be exempt for a period of one year to the extent of one hundred percent of the increase in assessed value attributable to such reconstruction, alteration or improvement and for an additional period of seven years subject to the following:

(i) The extent of such exemption shall be decreased by twelve and one-half percent of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give

written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Such exemption shall be limited to one hundred thousand dollars in increased market value, or such other sum less than one hundred thousand dollars, but not less than ten thousand dollars as may be provided by the local law or resolution, of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the most recently established state equalization rate for such city. Where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) No such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or converted improvement was commenced subsequent to the effective date of the local law adopted pursuant to subdivision one of this section by such city; and

(ii) the value of such reconstruction, alteration or improvement exceeds five thousand dollars; and

(iii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of such city on or before the appropriate taxable status date of such city.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. For the purposes of this section, an owner occupied multiple dwelling building shall mean any building or structure designed and occupied as the temporary or permanent residence or home of two or more families, including the owner of such building.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

7. (a) The enactment of a local law in such city may:

(i) reduce the percent of exemption otherwise allowed pursuant to this section;

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations or improvements as are prescribed in such local law or resolution;

(iii) provide that the exemption shall be applicable only to those improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing owner occupied multiple residence structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

(b) No such local law shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

* NB There are 2 § 421-h's

*** § 421-h. Exemption of capital improvements to residential buildings.**

1. Residential buildings reconstructed, altered or improved subsequent to the effective date of a local law or resolution pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of a city, with a population of more than one hundred forty thousand but less than one hundred fifty thousand as determined by the latest decennial federal census, may adopt a local law or resolution to grant the exemption authorized pursuant to this section. A copy of such local law or resolution shall be filed with the commissioner and the assessor of such city who prepares the assessment roll on which the taxes of such city are levied.

2. (a) Such buildings shall be exempt to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement subject to the provisions of subdivision six of this section. Such exemption shall be limited to forty thousand dollars in increased market value, or such other sum less than forty thousand dollars, as may be provided by the local law or resolution, of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the class I ratio in a special assessing unit or the most recently established state equalization rate or special equalization rate in the remainder of the state, except where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, in which case the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) No such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or improvement was commenced subsequent to the effective date of the local law or resolution adopted pursuant to subdivision one of this section; and

(ii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of the city having the power to assess property for taxation on or before the appropriate taxable status date of such city.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column. No such application shall be approved after December thirty-first, two thousand five.

5. For the purposes of this section, a residential building shall mean any building or structure designed and occupied exclusively for residential purposes by not more than one family.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes by the owner who was granted the exemption pursuant to this section or title thereto is transferred to other than the spouse of the owner, the exemption granted pursuant to this section shall cease.

7. Such city may, by its local law or resolution:

(a) reduce the per centum of exemption otherwise allowed pursuant to

this section;

(b) limit eligibility for the exemption to those forms of reconstruction, alterations or improvements as are prescribed in such local law or resolution;

(c) provide that the exemption shall be applicable only to those improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing residential structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

* NB There are 2 § 421-h's

*** § 421-i. Exemption of capital improvements to multiple dwelling buildings within certain cities.** 1. Multiple dwelling buildings, reconstructed, altered, converted back to an owner occupied single family dwelling or any owner occupied multiple dwelling located in any city having a population of more than ninety thousand inhabitants but less than one hundred thousand inhabitants, determined in accordance with the latest federal decennial census, that is reduced to at most two units by such reconstruction subsequent to the effective date of a local law pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of such city may adopt a local law to grant the exemption authorized pursuant to this section. A copy of such local law shall be filed with the commissioner and the assessor of such city who prepares the assessment roll on which the taxes of such city are levied.

2. (a) Such buildings within such city shall be exempt for a period of one year to the extent of one hundred percent of the increase in assessed value attributable to such reconstruction, alteration or improvement and for an additional period of seven years subject to the following:

(i) The extent of such exemption shall be decreased by twelve and one-half percent of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in

assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Such exemption shall be limited to one hundred thousand dollars in increased market value, or such other sum less than one hundred thousand dollars, but not less than ten thousand dollars as may be provided by the local law or resolution, of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the most recently established state equalization rate for such city. Where the state equalization rate or special equalization rate equals or exceeds

ninety-five percent, the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) No such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or converted improvement was commenced subsequent to the effective date of the local law adopted pursuant to subdivision one of this section by such city; and

(ii) the value of such reconstruction, alteration or improvement exceeds five thousand dollars; and

(iii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of such city on or before the appropriate taxable status date of such city.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. For the purposes of this section, an owner occupied multiple dwelling building shall mean any building or structure designed and occupied as the temporary or permanent residence or home of two or more families, including the owner of such building.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title

thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

7. (a) The enactment of a local law in such city may:

(i) reduce the percent of exemption otherwise allowed pursuant to this section;

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations or improvements as are prescribed in such local law or resolution;

(iii) provide that the exemption shall be applicable only to those improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing owner occupied multiple residence structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

(b) No such local law shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

* NB There are 2 § 421-i's

*** § 421-i. Exemption of capital improvements to multiple dwelling buildings within certain cities.** 1. Multiple dwelling buildings, reconstructed, altered, converted back to an owner occupied single family dwelling or any owner occupied multiple dwelling located in any city having a population of more than two hundred ninety thousand inhabitants but less than two hundred ninety-five thousand inhabitants, determined in accordance with the latest federal decennial census, that is reduced to at most two units by such reconstruction subsequent to the effective date of a local law pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of such city may adopt a local law to grant the exemption authorized pursuant to this section. A copy of such local law shall be filed with the commissioner and the assessor of such city who prepares the assessment roll on which the taxes of such city are levied.

2. (a) Such buildings within such city shall be exempt for a period of one year to the extent of one hundred percent of the increase in assessed value attributable to such reconstruction, alteration or improvement and for an additional period of seven years subject to the following:

(i) The extent of such exemption shall be decreased by twelve and one-half percent of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Such exemption shall be limited to one hundred thousand dollars in increased market value, or such other sum less than one hundred thousand dollars, but not less than ten thousand dollars as may be

provided by the local law or resolution, of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the most recently established state equalization rate for such city. Where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) No such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or converted improvement was commenced subsequent to the effective date of the local law adopted pursuant to subdivision one of this section by such city; and

(ii) the value of such reconstruction, alteration or improvement exceeds five thousand dollars; and

(iii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of such city on or before the appropriate taxable status date of such city.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the

amount of the exemption shown in a separate column.

5. For the purposes of this section, an owner occupied multiple dwelling building shall mean any building or structure designed and occupied as the temporary or permanent residence or home of two or more families, including the owner of such building.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

7. (a) The enactment of a local law in such city may:

(i) reduce the percent of exemption otherwise allowed pursuant to this section;

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations or improvements as are prescribed in such local law or resolution;

(iii) provide that the exemption shall be applicable only to those improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing owner occupied multiple residence structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

(b) No such local law shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

* NB There are 2 § 421-i's

*** § 421-j. Exemption of capital investment in multiple dwelling buildings within certain cities.** 1. New construction of a multiple dwelling building, reconstruction, alteration, or improvement of a pre-existing multiple dwelling building or structure which is to be occupied or is occupied as a residence or home and consists of no less than four units, whether such dwelling is rented or owned as a

cooperative or condominium, and is located in any city having a population of more than fifty-five thousand but less than fifty-six thousand as determined by the latest federal decennial census, where such construction or renovation is initiated subsequent to the effective date of a local law pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided in this section. After a public hearing, the governing board of such city may adopt a local law to grant the exemption authorized pursuant to this section. A copy of such local law shall be filed with the commissioner and the assessor of such city who prepares the assessment roll on which the taxes of such city are levied.

2. (a) Such buildings within such city shall be exempt for a period of one year to the extent of one hundred percent of the increase in assessed value attributable to such new construction, reconstruction, alteration or improvement and for an additional period of seven years as illustrated in the following table:

Year	Exemption: percentage of increase in assessed value
2	87.5
3	75
4	62.5
5	50
6	37.5
7	25
8	12.5

(b) No such exemption shall be granted for construction, reconstruction, alteration or improvements unless:

(i) such reconstruction, alteration or improvement was commenced subsequent to the effective date of the local law adopted pursuant to subdivision one of this section by such city; and

(ii) the value of such new construction, reconstruction, alteration or improvement exceeds fifteen thousand dollars per unit; and

(iii) a valid building permit shall have been issued.

(c) For purposes of this section the terms construction, reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of such city on or before the appropriate taxable status date of such city.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

6. (a) The enactment of a local law in such city may:

(i) reduce the percent of exemption otherwise allowed pursuant to this section;

(ii) limit eligibility for the exemption to those forms of new construction, reconstruction, alteration or improvement as are prescribed in such local law or resolution;

(iii) provide that the exemption shall be applicable only to those improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing multiple residence structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

(b) No such local law shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

7. No additional exemptions shall apply.

* NB There are 2 § 421-j's

*** § 421-j. Exemption of capital improvements to multiple dwelling buildings within certain cities.** 1. Multiple dwelling buildings, reconstructed, altered, converted back to an owner occupied single family dwelling or any owner occupied multiple dwelling located in any city having a population of more than fifteen thousand five hundred inhabitants but less than sixteen thousand inhabitants, determined in accordance with the latest federal decennial census, that is reduced to at most two units by such reconstruction subsequent to the effective date of a local law pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of such city may adopt a local law to grant the exemption authorized pursuant to this section. A copy of such local law shall be filed with the commissioner and the assessor of such city who prepares the assessment roll on which the taxes of such city are levied.

2. (a) Such buildings within such city shall be exempt for a period of one year to the extent of one hundred percent of the increase in assessed value attributable to such reconstruction, alteration or improvement and for an additional period of seven years subject to the following:

(i) The extent of such exemption shall be decreased by twelve and one-half percent of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final

assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Such exemption shall be limited to one hundred thousand dollars in increased market value, or such other sum less than one hundred thousand dollars, but not less than ten thousand dollars as may be provided by the local law or resolution, of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the most recently established state equalization rate for such city. Where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) No such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or converted improvement was commenced subsequent to the effective date of the local law adopted pursuant to subdivision one of this section by such city; and

(ii) the value of such reconstruction, alteration or improvement exceeds five thousand dollars; and

(iii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of such city on or before the appropriate taxable status date of such city.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. For the purposes of this section, an owner occupied multiple dwelling building shall mean any building or structure designed and occupied as the temporary or permanent residence or home of two or more families, including the owner of such building.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

7. (a) The enactment of a local law in such city may:

(i) reduce the percent of exemption otherwise allowed pursuant to this section;

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations or improvements as are prescribed in such local law or resolution;

(iii) provide that the exemption shall be applicable only to those

improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing owner occupied multiple residence structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

(b) No such local law shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

* NB There are 2 § 421-j's

§ 421-k. Exemption of certain multiple dwellings. 1. Multiple dwelling buildings, reconstructed, altered, converted back to an owner occupied single family dwelling or any owner occupied multiple dwelling located in any city having a population of more than twenty-eight thousand five hundred inhabitants but less than twenty-nine thousand inhabitants, determined in accordance with the latest federal decennial census, that is reduced to at most two units by such reconstruction subsequent to the effective date of a local law pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided in this section.

After a public hearing, the governing board of such city may adopt a local law to grant the exemption authorized pursuant to this section. A copy of such local law shall be filed with the commissioner and the assessor of such city who prepares the assessment roll on which the taxes of such city are levied.

2. (a) Such buildings within such city shall be exempt for a period of one year to the extent of one hundred percent of the increase in assessed value attributable to such reconstruction, alteration or improvement and for an additional period of seven years subject to the following:

(i) The extent of such exemption shall be decreased by twelve and one-half percent of the "exemption base" each year during such additional period.

The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quality changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Such exemption shall be limited to one hundred thousand dollars in increased market value, or such other sum less than one hundred thousand dollars, but not less than ten thousand dollars as may be provided by the local law or resolution, of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the most recently

established state equalization rate for such city. Where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) No such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or converted improvement was commenced subsequent to the effective date of the local law adopted pursuant to subdivision one of this section by such city; and

(ii) the value of such reconstruction, alteration or improvement exceeds five thousand dollars; and

(iii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of such city on or before the appropriate taxable status date of such city.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. For the purposes of this section, an owner occupied multiple dwelling building shall mean any building or structure designed and occupied as the temporary or permanent residence or home of two or more families, including the owner of such building.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

7. (a) The enactment of a local law in such city may:

(i) reduce the percent of exemption otherwise allowed pursuant to this section;

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations or improvements as are prescribed in such local law or resolution;

(iii) provide that the exemption shall be applicable only to those improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing owner occupied multiple residence structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

(b) No such local law shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

§ 421-1. Exemption of capital improvements to residential buildings in certain towns. 1. Residential buildings designed and occupied exclusively for residential purposes by not more than three families that are reconstructed, altered or improved subsequent to the effective date of a local law or resolution pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of a town with a population of not less than sixteen thousand three hundred fifty and not more than sixteen thousand three hundred sixty, situated in a county with a population of not less than nine hundred nineteen thousand and not more than nine hundred nineteen thousand one hundred, based upon the two thousand ten federal census, may adopt a local law to grant the exemption authorized pursuant to this section. Subsequent to the adoption of such a local law, the county in which such town is

located, any village located within such town and any school district all or part of which is located within such town may likewise exempt such property from its taxation and special ad valorem levies by local law, or in the case of a school district, by resolution in the same manner and to the same extent as the town. A copy of such local laws or resolutions shall be filed with the commissioner and appropriate assessor.

2. Such residential real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of four years subject to the following:

(i) The extent of such exemption shall be decreased by ten per centum of the "exemption base" each year during such additional four-year period, such that during year two there shall be an exemption of forty per centum of the increase in assessed value thereof attributable, during year three there shall be an exemption of thirty per centum of the increase in assessed value thereof attributable, in year four there shall be an exemption of twenty per centum of the increase in assessed value thereof attributable and in year five there shall be an exemption of ten per centum of the increase in assessed value thereof attributable;

(ii) The "exemption base" shall be the increase in assessed value due to reconstruction, alterations or improvements as determined by the assessor in the initial year of such five-year period following the filing of an original application; and

(iii) A qualified reconstruction, alteration or improvement shall have increased the assessed value of the real property by at least ten thousand dollars, with a maximum permitted exemption not to exceed one hundred fifty thousand dollars.

3. For purposes of this section, "reconstruction", "alteration" or "improvement" shall not include ordinary maintenance and repairs.

4. Any owner of a one to three family residence may qualify for an exemption pursuant to this section, including owners who do not occupy such residences, individuals, partnerships and limited liability

corporations. Exemptions granted pursuant to this section are not transferable from owner to another if the real property is sold or transferred during the exemption period.

5. No such exemption shall be granted unless:

(a) Such reconstruction, alteration or improvement was commenced subsequent to the effective date of the local law or resolution adopted by a town, county, village or school district pursuant to subdivision one of this section;

(b) The owner of real property applying for such exemption has satisfied all outstanding town, county, village and school tax obligations; and

(c) Such reconstruction, alteration or improvement is documented by a building permit, if required, for the improvements or other appropriate documentation as required by the assessor and/or code enforcement officer.

6. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor on or before the appropriate taxable status date and within one year after the date of completion of such reconstruction, alteration or improvement.

7. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision six of this section. The assessor shall enter the assessed value of any exemption granted pursuant to this section on the assessment roll for the taxable property, with the amount of the exemption shown in a separate column.

8. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

9. Such town, county, village or school district shall be permitted by local law to reduce the percentage of exemption otherwise allowable by subdivision two of this section or increase the required minimum assessed values set forth in paragraph (iii) of subdivision two of this section, provided that a project in the course of reconstruction, alteration or improvement shall not be subject to such amendments.

§ 421-m. Exemption of certain new or substantially rehabilitated multiple dwellings from local taxation. 1. (a) A city, town or village may, by local law, provide for the exemption of multiple dwellings constructed or substantially rehabilitated in a benefit area designated in such local law from taxation and special ad valorem levies, but not special assessments, as provided in this section. Subsequent to the adoption of such a local law, any other municipal corporation in which the designated benefit area is located may likewise exempt such property from its taxation and special ad valorem levies by local law, or in the case of a school district, by resolution.

(b) As used in this section, the term "benefit area" means the area within a city, town or village, designated by local law, to which an exemption, established pursuant to this section, applies.

(c) The term "substantial rehabilitation" means all work necessary to bring a property into compliance with all applicable laws and regulations including but not limited to the installation, replacement or repair of heating, plumbing, electrical and related systems and the elimination of all hazardous and immediately hazardous violations in the structure in accordance with state and local laws and regulations of state and local agencies. Substantial rehabilitation may also include reconstruction or work to improve the habitability or prolong the useful life of the property; provided substantial rehabilitation shall not include ordinary maintenance or repair.

(d) The term "multiple dwelling" means a dwelling, other than a hotel, which is to be occupied or is occupied as the residence or home of three or more families living independently of one another, whether such dwelling is rented or owned as a cooperative or condominium.

2. (a) Eligible new or substantially rehabilitated multiple dwellings

in a designated benefit area shall be exempt according to the following schedule:

CONSTRUCTION OR SUBSTANTIAL REHABILITATION OF CERTAIN
MULTIPLE DWELLINGS

During construction or substantial rehabilitation (maximum three years)	Exemption
Following completion of work year:	
1 through 12	100%
13-14	80%
15-16	60%
17-18	40%
19-20	20%

(b) Provided that taxes shall be paid during any such period at least in the amount of the taxes paid on such land and any improvements thereon during the tax year preceding the commencement of such exemption. Provided further that no other exemption may be granted concurrently to the same improvements under any other section of law.

3. To be eligible for exemption under this section:

(a) Such construction or substantial rehabilitation shall take place on vacant, predominantly vacant or under-utilized land, or on land improved with a non-conforming use or on land containing one or more substandard or structurally unsound dwellings, or a dwelling that has been certified as unsanitary by the local health agency.

(b) Such construction or substantial rehabilitation was commenced on or after the effective date of the local law, ordinance or resolution described in subdivision one of this section, but no later than June fifteenth, two thousand nineteen.

(c) At least twenty percent of the units shall be affordable to individuals or families of low and moderate income whose incomes at the time of initial occupancy do not exceed ninety percent of the area median income adjusted for family size and the individual or family shall pay in rent or monthly carrying charges no more than thirty percent of their adjusted gross income as reported in their federal income tax return, or would be reported if such return were required, less such personal exemptions and deductions and medical expenses as are

actually taken by the taxpayer, as verified according to procedures established by the state division of housing and community renewal. Such procedures shall be published through notice in the state register without further action required for the promulgation of regulations pursuant to the state administrative procedure act.

(d) Such construction or substantial rehabilitation is carried out with the assistance of grants, loans or subsidies for the construction or substantial rehabilitation of affordable housing from any federal, state or local agency or instrumentality thereof.

4. Application for exemption under this section shall be made on a form prescribed by the commissioner and filed with the assessor on or before the applicable taxable status date.

5. In the case of property which is used partially as a multiple dwelling and partially for commercial or other purposes, the property shall be eligible for the exemption authorized by this section if:

(a) The square footage of the portion used as a multiple dwelling represents at least fifty percent of the square footage of the entire property;

(b) At least twenty percent of the units are affordable to individuals or families of low and moderate income, as determined according to the criteria set forth in paragraph (c) of subdivision three of this section; and

(c) The requirements of this section are otherwise satisfied with respect to the portion of the property used as a multiple dwelling.

6. The exemption authorized by this section shall not be available in a jurisdiction to which the provisions of section four hundred twenty-one-a or four hundred twenty-one-c of this article are applicable.

7. A city, town or village providing an exemption pursuant to the authority of this section shall develop an income monitoring and compliance plan to meet the criteria of paragraph (c) of subdivision three of this section and such plan shall be reviewed, evaluated and approved by the state division of housing and community renewal as a

condition of providing such exemption. Such plan shall include an annual certification that the multiple dwelling receiving an exemption meets the requirements of this section. Such certification shall be provided to the assessor and the state division of housing and community renewal. If such requirements are not met, then the multiple dwelling shall not qualify for the exemption in that year.

§ 421-n. Exemption of capital improvements to multiple dwelling buildings within certain cities. 1. Multiple dwelling buildings, reconstructed, altered, converted back to an owner occupied single family dwelling or any owner occupied multiple dwelling located in any city having a population of more than thirteen thousand five hundred inhabitants but less than fourteen thousand inhabitants, determined in accordance with the latest federal decennial census, that is reduced to at most two units by such reconstruction subsequent to the effective date of a local law pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of such city may adopt a local law to grant the exemption authorized pursuant to this section. A copy of such local law shall be filed with the commissioner and the assessor of such city who prepares the assessment roll on which the taxes of such city are levied.

2. (a) Such buildings within such city shall be exempt for a period of one year to the extent of one hundred percent of the increase in assessed value attributable to such reconstruction, alteration or improvement and for an additional period of seven years subject to the following:

(i) The extent of such exemption shall be decreased by twelve and one-half percent of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a

fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Such exemption shall be limited to one hundred thousand dollars in increased market value, or such other sum less than one hundred thousand dollars, but not less than ten thousand dollars as may be provided by the local law or resolution, of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the most recently established state equalization rate for such city. Where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) No such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or converted improvement was commenced subsequent to the effective date of the local law adopted pursuant to subdivision one of this section by such city; and

(ii) the value of such reconstruction, alteration or improvement exceeds five thousand dollars; and

(iii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of such city on or before the appropriate taxable status date of such city.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. For the purposes of this section, an owner occupied multiple dwelling building shall mean any building or structure designed and occupied as the temporary or permanent residence or home of two or more families, including the owner of such building.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

7. (a) The enactment of a local law in such city may:

(i) reduce the percent of exemption otherwise allowed pursuant to this

section;

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations or improvements as are prescribed in such local law or resolution;

(iii) provide that the exemption shall be applicable only to those improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing owner occupied multiple residence structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

(b) No such local law shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

*** § 421-o. Exemption of capital improvements to multiple dwelling buildings within certain cities.** 1. Multiple dwelling buildings, reconstructed, altered, converted back to an owner occupied single family dwelling located in any city having a population of more than eight thousand inhabitants but fewer than nine thousand inhabitants, that is located in a county having a population of more than ninety-seven thousand inhabitants but fewer than ninety-nine thousand inhabitants, determined in accordance with the latest federal decennial census, that are reconstructed, altered or improved subsequent to the effective date of a local law or resolution pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of such city may adopt a local law to grant the exemption authorized pursuant to this section. A copy of such local law shall be filed with the commissioner and the assessor of such city who prepares the assessment roll on which the taxes of such city are levied.

2. (a) Such buildings within such city shall be exempt for a period of one year to the extent of one hundred percent of the increase in assessed value attributable to such reconstruction, alteration or improvement and for an additional period of eleven years subject to the

following:

(i) The extent of such exemption shall be decreased by eight and one-third percent of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Such exemption shall be limited to one hundred thousand dollars in increased market value, or such other sum less than one hundred thousand dollars, but not less than ten thousand dollars as may be provided by the local law or resolution, of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall

be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the most recently established state equalization rate for such city. Where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) No such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or converted improvement was commenced subsequent to the effective date of the local law adopted pursuant to subdivision one of this section by such city;

(ii) the value of such reconstruction, alteration or improvement exceeds five thousand dollars; and

(iii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of such city on or before the appropriate taxable status date of such city.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. For purposes of this section, an owner occupied single family dwelling shall mean any building or structure designed and occupied as the temporary or permanent residence or home of one family.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

7. (a) The enactment of a local law in such city may:

(i) reduce the percent of exemption otherwise allowed pursuant to this section;

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations or improvements as are prescribed in such local law or resolution;

(iii) provide that the exemption shall be applicable only to those improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing residence building structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

(b) No such local law shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

* NB There are 2 § 421-o's

*** § 421-o. Exemption of capital improvements to multiple dwelling buildings within certain cities.** 1. Multiple dwelling buildings, reconstructed, altered, converted back to an owner occupied single family dwelling located in any city having a population of more than ten thousand inhabitants but fewer than twelve thousand inhabitants, that is located in a county having a population of more than ninety-seven thousand inhabitants but fewer than ninety-nine thousand inhabitants, determined in accordance with the latest federal decennial census, that are reconstructed, altered or improved subsequent to the effective date of a local law or resolution pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of such city may adopt a local law to grant the exemption authorized pursuant to this

section. A copy of such local law shall be filed with the commissioner and the assessor of such city who prepares the assessment roll on which the taxes of such city are levied.

2. (a) Such buildings within such city shall be exempt for a period of one year to the extent of one hundred percent of the increase in assessed value attributable to such reconstruction, alteration or improvement and for an additional period of eleven years subject to the following:

(i) The extent of such exemption shall be decreased by eight and one-third percent of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Such exemption shall be limited to one hundred thousand dollars in increased market value, or such other sum less than one hundred thousand dollars, but not less than ten thousand dollars as may be provided by the local law or resolution, of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the most recently established state equalization rate for such city. Where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

(b) No such exemption shall be granted for reconstruction, alterations or improvements unless:

(i) such reconstruction, alteration or converted improvement was commenced subsequent to the effective date of the local law adopted pursuant to subdivision one of this section by such city;

(ii) the value of such reconstruction, alteration or improvement exceeds five thousand dollars; and

(iii) the greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

(c) For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of such city on or before the appropriate taxable status date of such city.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date

referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. For purposes of this section, an owner occupied single family dwelling shall mean any building or structure designed and occupied as the temporary or permanent residence or home of one family.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

7. (a) The enactment of a local law in such city may:

(i) reduce the percent of exemption otherwise allowed pursuant to this section;

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations or improvements as are prescribed in such local law or resolution;

(iii) provide that the exemption shall be applicable only to those improvements which would otherwise result in an increase in the assessed valuation of the real property but which consist of an addition, remodeling or modernization to an existing residence building structure to prevent physical deterioration of the structure or to comply with applicable building, sanitary, health and/or fire codes.

(b) No such local law shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

* NB There are 2 § 421-o's

*** § 421-p. Exemption of newly-constructed or converted rental multiple dwellings.** 1. (a) A city, town or village may, by local law, provide for the exemption of rental multiple dwellings constructed or converted in a benefit area designated in such local law from taxation and special ad valorem levies, as provided in this section. Subsequent to the adoption

of such a local law, any other municipal corporation in which the designated benefit area is located may likewise exempt such property from its taxation and special ad valorem levies by local law, or in the case of a school district, by resolution.

(b) As used in this section, the term "benefit area" means the area within a city, town or village, designated by local law, to which an exemption, established pursuant to this section, applies.

(c) The term "rental multiple dwelling" means a structure, other than a hotel, consisting of ten or more dwelling units, where all of the units are rented for residential purposes, and twenty-five percent of such units, upon initial rental and upon each subsequent rental following a vacancy during the benefit period, are affordable to and restricted to occupancy by individuals or families whose household income does not exceed a weighted average of no less than sixty percent of the area median income and no more than eighty percent of the area median income, adjusted for family size, at the time that such households initially occupy such dwelling units, provided further that all of the income restricted units upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, shall be affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred percent of the area median income, adjusted for family size, at the time that such households initially occupy such dwelling units. Provided further, that any local law authorizing an exemption pursuant to this section may provide for the area median income weighted average within the amounts set forth in this paragraph. Such restriction period shall be in effect coterminous with the benefit period, provided, however, that the tenant or tenants in an income restricted dwelling unit at the time such restriction period ends shall have the right to lease renewals at the income restricted level until such time as such tenant or tenants permanently vacate the dwelling unit.

2. Eligible newly-constructed or converted rental multiple dwellings in a designated benefit area shall be wholly exempt from taxation while under construction, subject to a maximum of three years. Such property shall then be exempt for an additional period of twenty-five years,

provided, that the exemption percentage during such additional period of twenty-five years shall begin at ninety-six percent and shall decrease by four percent each year thereafter. Provided, however:

(a) Taxes shall be paid during the exemption period in an amount at least equal to the taxes paid on such land and any improvements thereon during the tax year preceding the commencement of such exemption.

(b) No other exemption may be granted concurrently to the same improvements under any other section of law.

3. To be eligible for exemption under this section, any new construction shall take place on vacant, predominantly vacant or underutilized land, or on land improved with a non-conforming use or on land containing one or more substandard or structurally unsound dwellings, or a dwelling that has been certified as unsanitary by the local health agency. The provisions of this subdivision shall not apply to any new conversions undertaken pursuant to this section.

4. Application for exemption under this section shall be made on a form prescribed by the commissioner and filed with the assessor on or before the applicable taxable status date.

5. In the case of a newly constructed or converted property which is used partially as a rental multiple dwelling and partially for commercial or other purposes, the portion of the property that is used as a rental multiple dwelling shall be eligible for the exemption authorized by this section if:

(a) The square footage of the portion used as a rental multiple dwelling represents at least fifty percent of the square footage of the entire property;

(b) The rental units are affordable to individuals or families as determined according to the criteria set forth in paragraph (c) of subdivision one of this section; and

(c) The requirements of this section are otherwise satisfied with respect to the portion of the property used as a rental multiple dwelling.

6. (a) For the purposes of this subdivision, the following terms shall

have the following meanings:

(i) "Applicant" shall mean an applicant for the exemption authorized by this section and/or any successor to such applicant.

(ii) "Covered building service employer" shall mean any applicant and/or any employer of building service employees for such applicant including, but not limited to, a property management company or contractor.

(iii) "Building service employee" shall mean any person who is regularly employed at, and performs work in connection with the care or maintenance of, an eligible multiple dwelling, including, but not limited to, a watchman, guard, doorman, building cleaner, porter, handyman, janitor, gardener, groundskeeper, elevator operator and starter, and window cleaner, but not including persons regularly scheduled to work fewer than eight hours per week at such eligible multiple dwelling.

(iv) "Fiscal officer" shall mean the commissioner of labor.

(v) "Eligible multiple dwelling" shall mean any newly-constructed or converted rental multiple dwellings that receive benefits pursuant to this section.

(b) All building service employees employed by the covered building service employer at the eligible multiple dwelling shall receive the applicable prevailing wage in accordance with article nine of the labor law for the duration of the benefit period, regardless of whether such benefits are revoked or terminated. Such applicable prevailing wage shall in no case be lower than the prevailing wage provided to building service employees for work performed within the respective county under the collective bargaining agreement covering the largest number of hourly building service employees employed at residential buildings within such county in each job classification established by the commissioner of labor. The commissioner of labor shall determine the applicable prevailing wage rates and prevailing rate of fringe benefits for each job classification consistent with the corresponding job classifications covered by such collective bargaining agreements. To determine the applicable supplement benefit rate, the commissioner of labor shall identify the applicable hourly, weekly or monthly cost to an employer as specified under the applicable collective bargaining agreement of providing such supplements.

(c) (i) The fiscal officer shall have the power to enforce the provisions of this subdivision. In enforcing such provisions, the fiscal officer shall have the power: (A) to investigate or cause an investigation to be made to determine the prevailing wages for building service employees, and in making such investigation, the fiscal officer may utilize wage and fringe benefit data from various sources, including, but not limited to, data and determinations of federal, state or other governmental agencies; provided, however, that the provision of a dwelling unit shall not be considered wages or a fringe benefit; (B) to institute and conduct inspections at the site of the work or elsewhere; (C) to examine the books, documents and records pertaining to the wages paid to, and the hours of work performed by, building service employees; (D) to hold hearings and, in connection therewith, to issue subpoenas, the enforcement of which shall be regulated by the civil practice law and rules, administer oaths and examine witnesses; (E) to make a classification by craft, trade or other generally recognized occupational category of the building service employees and to determine whether such work has been performed by the building service employees in such classification; (F) to require the applicant to file with the fiscal officer a record of the wages actually paid to the building service employees and of their hours of work; (G) to delegate any of the foregoing powers to such fiscal officer's deputy or other authorized representative; (H) to promulgate rules as such fiscal officer shall consider necessary for the proper execution of the duties, responsibilities and powers conferred upon him or her by the provisions of this subdivision; and (I) to prescribe appropriate sanctions for failure to comply with the provisions of this subdivision.

(ii) For each violation of paragraph (b) of this subdivision, the fiscal officer may require the payment of:

(A) back wages and fringe benefits;

(B) liquidated damages up to three times the amount of the back wages and fringe benefits for willful violations; and/or

(C) reasonable attorneys' fees. If the fiscal officer finds that the applicant has failed to comply with the provisions of this subdivision, such fiscal officer shall present evidence of such non-compliance to the village, town, or city that enacted a local law pursuant to this section, or to any municipal agency or entity identified in such local

law.

(d) Paragraph (b) of this subdivision shall not be applicable to: (i) an eligible multiple dwelling containing less than thirty dwelling units; or (ii) an eligible multiple dwelling whose new construction or conversion is carried out with the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.

(e) The applicant shall submit a sworn affidavit with its application certifying that it shall ensure compliance with the requirements of this subdivision or is exempt in accordance with paragraph (d) of this subdivision. Upon the approval of the village, town, or city that enacted a local law pursuant to this section, or of any municipal agency or entity identified in such local law, of such application, the applicant who is not exempt in accordance with paragraph (d) of this subdivision shall submit annually a sworn affidavit to the fiscal officer certifying that it shall ensure compliance with the requirements of this subdivision.

(f) The village, town, or city that enacted a local law pursuant to this section, or any municipal agency or entity identified in such local law shall annually publish a list of all eligible sites subject to the requirements of this subdivision and the affidavits required pursuant to paragraph (e) of this subdivision.

(g) If a covered building service employer has committed three violations of the requirements of paragraph (b) of this subdivision with respect to the same eligible multiple dwelling within a five-year period, the village, town, or city that enacted a local law pursuant to this section, or any municipal agency or entity identified in such local law may revoke any benefits associated with such eligible multiple dwelling under this section. For purposes of this paragraph, a "violation" of paragraph (b) of this subdivision will be deemed a finding by the fiscal officer that a covered building service employer has failed to comply with paragraph (b) of this subdivision and has failed to cure the deficiency within three months of such finding. Provided, however, that after a second such violation, the applicant shall be notified that any further violation may result in the revocation of benefits under this section and that the fiscal officer

shall publish on its website a list of all applicants with two violations as defined in this paragraph. If benefits are terminated or revoked for failure to comply with this subdivision all of the affordable housing units shall remain subject to rent stabilization and all other requirements of this section for the duration of the restriction period, regardless of whether such benefits have been terminated or revoked.

7. The exemption authorized by this section shall not be available in a city with a population of one million or more.

8. Any recipient of the exemption authorized by this section or their designee shall certify compliance with the provisions of this section under penalty of perjury, at such time or times and in such manner as may be prescribed in the local law adopted by the city, town or village pursuant to paragraph (a) of subdivision one of this section, or by a subsequent local law. Such city, town or village may establish such procedures as it deems necessary for monitoring and enforcing compliance of an eligible building with the provisions of this section.

* NB There are two § 421-p's

*** § 421-p. Exemption of capital improvements to residential new construction involving the creation of accessory dwelling units.** 1. Residential buildings reconstructed, altered, improved, or newly constructed in order to create one or more additional residential dwelling units on the same parcel as a pre-existing residential building to provide independent living facilities for one or more persons subsequent to the effective date of a local law or resolution enacted pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of a county, city, town or village may adopt a local law and a school district, other than a school district subject to article fifty-two of the education law, may adopt a resolution to grant the exemption authorized pursuant to this section. A copy of such local law or resolution shall be filed with the commissioner and the assessor of such county, city, town or village who

prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

2. (a) Such buildings shall be exempt for a period of five years to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction, alteration, improvement, or new construction for such additional residential unit or units that provide independent living facilities for one or more persons, and for an additional period of five years subject to the following:

(i) The extent of such exemption shall be decreased by twenty-five per centum of the "exemption base" for each of the first three years during such additional period and shall be decreased by a further ten per centum of the "exemption base" during each of the final two years of such additional period. The exemption shall expire at the end of the extended period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if such property owner believes that the exemption was recomputed

incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Such exemption shall be limited to two hundred thousand dollars in increased market value of the property attributable to such reconstruction, alteration, improvement, or new construction and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration, improvement, or new construction as authorized by subdivision one of this section shall be equal to the increased assessed value attributable to such reconstruction, alteration, improvement, or new construction divided by the class one ratio in a special assessing unit or the most recently established state equalization rate or special equalization rate in the remainder of the state, except where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, in which case the increase in assessed value attributable to such reconstruction, alteration, improvement, or new construction shall be deemed to equal the market value of such reconstruction, alteration, improvement, or new construction.

(b) No such exemption shall be granted for reconstruction, alterations, improvements, or new construction unless:

(i) such reconstruction, alteration, improvement, or new construction was commenced subsequent to the effective date of the local law or resolution adopted pursuant to subdivision one of this section; and

(ii) the value of such reconstruction, alteration, improvement, or new construction exceeds three thousand dollars; and

(iii) such reconstruction, alteration, improvement, or new construction created one or more additional residential dwelling units on the same parcel as the pre-existing residential building to provide independent living facilities for one or more persons.

(c) For purposes of this section the terms reconstruction, alteration, improvement, and new construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The

application shall be filed with the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village or county.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. For the purposes of this section, a residential building shall mean any building or structure designed and occupied exclusively for residential purposes by not more than two families.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes, or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

7. (a) A county, city, town or village may, by its local law, or school district, by its resolution:

(i) reduce the per centum of exemption otherwise allowed pursuant to this section; and

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations, improvements, or new construction as are prescribed in such local law or resolution.

(b) No such local law or resolution shall repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

* NB There are two § 421-p's

§ 421-pp. Exemption of newly converted or constructed fully income restricted rental multiple dwellings. 1. (a) A city, town or village may, by local law, provide for the exemption of rental multiple dwellings constructed or converted in a benefit area designated in such local law from taxation and special ad valorem levies, as provided in this section. Subsequent to the adoption of such a local law, any other municipal corporation in which the designated benefit area is located may likewise exempt such property from its taxation and special ad valorem levies by local law, or in the case of a school district, by resolution.

(b) As used in this section, the term "benefit area" means the area within a city, town or village, designated by local law, to which an exemption, established pursuant to this section, applies.

(c) As used in this section, the term "rental multiple dwelling" means a structure, other than a hotel, consisting of ten or more dwelling units, where all but a maximum of two of the units are rented for residential purposes, and all of such units, upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed a weighted average of no less than sixty percent of the area median income and no more than eighty percent of the area median income, adjusted for family size, at the time that such households initially occupy such dwelling units, provided further that all of the income restricted units upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, shall be affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred percent of the area median income, adjusted for family size, at the time that such households initially occupy such dwelling units. The two residential units that are not income restricted must be occupied by superintendents, caretakers, managers or other employees to whom the space is provided as part or all of their compensation without payment of rent and who are employed for the purpose of rendering services in connection with the premises of which the housing accommodation is a part. In the event no unit is provided or rented to such an employee, all units in the building must

be income restricted pursuant to this paragraph. Provided further that any local law authorizing an exemption pursuant to this section may provide for the area median income weighted average within the amounts set forth in this paragraph. Such restriction period shall be in effect coterminous with the benefit period, provided, however, that the tenant or tenants in an income restricted dwelling unit at the time such restriction period ends shall have the right to lease renewals at the income restricted level until such time as such tenant or tenants permanently vacate the dwelling unit.

2. Eligible newly-constructed or converted rental multiple dwellings in a designated benefit area shall be wholly exempt from taxation while under construction, subject to a maximum of three years. Such property shall then be exempt for an additional period of thirty years. Provided, however:

(a) Taxes shall be paid during the exemption period in an amount to be determined by the local law providing the exception pursuant to this section, provided, however, that amount shall be no greater than ten per centum of the shelter rent of the eligible rental multiple dwelling exempted pursuant to this section.

(b) No other exemption may be granted concurrently to the same improvements under any other section of law.

3. To be eligible for exemption under this section, any new construction shall take place on vacant, predominantly vacant or underutilized land, or on land improved with a non-conforming use or on land containing one or more substandard or structurally unsound dwellings, or a dwelling that has been certified as unsanitary by the local health agency. The provisions of this subdivision shall not apply to any new conversions undertaken pursuant to this section.

4. Application for exemption under this section shall be made on a form prescribed by the commissioner and filed with the assessor on or before the applicable taxable status date.

5. In the case of newly constructed property which is used partially as a rental multiple dwelling and partially for commercial or other

purposes, the portion of the newly constructed property that is used as a rental multiple dwelling shall be eligible for the exemption authorized by this section if:

(a) the square footage of the portion used as a rental multiple dwelling represents at least fifty percent of the square footage of the entire property;

(b) the rental units are affordable to individuals or families as determined according to the criteria set forth in paragraph (c) of subdivision one of this section; and

(c) the requirements of this section are otherwise satisfied with respect to the portion of the property used as a rental multiple dwelling.

6. The exemption authorized by this section shall not be available in a city with a population of one million or more.

7. Any recipient of the exemption authorized by this section or their designee shall certify compliance with the provisions of this section under penalty of perjury, at such time or times and in such manner as may be prescribed in the local law adopted by the city, town or village pursuant to paragraph (a) of subdivision one of this section, or by a subsequent local law. Such city, town or village may establish such procedures as it deems necessary for monitoring and enforcing compliance of an eligible building with the provisions of this section.

§ 421-q. Exemption from taxation for capital improvements to residential buildings to reduce carbon emissions. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Eligible real property" means any owner-occupied building or structure designed and occupied exclusively for residential purposes by not more than two families.

(b) "Eligible improvements" shall be limited to categories of work that result in a reduction of greenhouse gas emissions for the building, provided further that such work shall be in conformity with all applicable state and local laws. Eligible improvements shall include, but not be limited to, any of the following types of improvements:

(i) Replacement, repair or installation of new systems for heating or cooling, including domestic hot water;

(ii) Installation of solar, energy storage, or other mechanisms to offset use of energy from the electrical grid;

(iii) Replacement or installation of insulation in walls, roofs, flooring, windows, eaves, and around pipes;

(iv) Replacement or installation of thermostats to control temperature and building management systems;

(v) Installation of energy efficient appliances, fixtures, or lighting; and

(vi) Repair, replacement or modification of the electrical system, and/or wiring associated therewith.

(c) "Exemption base" means the amount of increased assessed value on eligible real property resulting from eligible improvements.

2. Eligible real property reconstructed, altered or improved as a result of eligible improvements subsequent to the effective date of this section shall be exempt from taxation and special ad valorem levies to the extent provided in this section, provided that after a public hearing, the governing board of the applicable county, city, town or village adopts a local law and a school district, other than a school district subject to article fifty-two of the education law, adopts a resolution to grant the exemption authorized pursuant to this section. A copy of such local law or resolution shall be filed with the commissioner and the assessor of such county, city, town or village who prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

3. Eligible real property subject to eligible improvements shall be exempt from taxation for a period of twenty years. For the first ten years after the eligible improvements have been completed, one hundred percent of the exemption base shall be exempt from taxation. Such exemption shall decrease by ten percent annually over the subsequent ten years.

4. The exemption established in this section shall be granted only upon application by the owner of such building on a form prescribed by

the commissioner. The application shall be filed with the assessor of the city, town, village or county having the power to assess the applicable eligible real property for taxation on or before the appropriate taxable status date of such city, town, village or county.

5. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such eligible real property shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision four of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the eligible property, with the amount of the exemption shown in a separate column.

6. In the event that eligible real property granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

7. (a) A county, city, town or village may, by its local law, or school district, by its resolution may:

(i) reduce the per centum of exemption otherwise allowed pursuant to this section; or

(ii) limit or expand eligible improvements eligible for exemption pursuant to this section.

(b) No such local law or resolution shall reduce or repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

§ 422. Not-for-profit housing companies. 1. (a) Real property owned by a not-for-profit corporation organized pursuant to the not-for-profit corporation law and the provisions of article two of the private housing finance law, used exclusively to provide housing and auxiliary facilities for faculty members, students, employees, nurses, interns,

resident physicians, researchers and other personnel and their immediate families in attendance or employed at colleges, universities, educational institutions, child care institutions, hospitals and medical research institutes, or for handicapped or aged persons of low income, or owned by non-profit nursing home companies organized pursuant to the not-for-profit corporation law and the provisions of article twenty-eight-A of the public health law, used exclusively to provide facilities for nursing care to sick, invalid, infirm, disabled or convalescent persons of low income, or to provide health-related service as defined in article twenty-eight of the public health law to persons of low income, or any combination of the foregoing, and in addition thereto, to provide nursing care and health-related service, or either of them, to persons of low income who are not occupants of the project, or owned by housing development fund companies organized pursuant to the not-for-profit corporation law and article eleven of the private housing finance law, used exclusively to provide housing for handicapped or aged persons of low income, and financed by a federally-aided mortgage as defined in said article eleven, or owned by companies organized pursuant to the not-for-profit corporation law and the provisions of article seventy-five of title E of the mental hygiene law, used exclusively to provide care, treatment, training, education and residential accommodations for operation as hostels for people with mental illness or developmental disabilities, or owned by companies organized pursuant to the membership corporations law and the provisions of article seven-A of the private housing finance law, used exclusively to provide programs, services and other facilities for the aging, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter, provided, however, that in a city having a population of one million or more real property owned by any such corporation which is to provide housing accommodations, substantially all of which are or are to be assisted by rent subsidies made or to be made available by the Federal government pursuant to a contract under section eight of the United States Housing Act of nineteen hundred thirty-seven, as amended, or pursuant to a project rental assistance contract under section two hundred two of the United States Housing Act of nineteen hundred fifty-nine, as amended, or pursuant to a project rental assistance

contract under section eight hundred eleven of the National Affordable Housing Act of nineteen hundred ninety, as amended, shall from and after the commencement of construction be subject to taxation or exempt therefrom to the extent approved by a municipality acting through its local legislative body, as such local legislative body is defined in subdivision twelve of section two of the private housing finance law. No such corporation or company shall pay a dividend on any of its stock or pay interest on any of its debentures. Provided further, however, in a county having a population of one million or more and having not more than three towns within such county, real property owned by housing development fund companies organized pursuant to the not-for-profit corporation law and article eleven of the private housing finance law, used exclusively to provide housing for handicapped or aged persons of low income, and financed by a federally-aided mortgage as defined in said article eleven shall from and after the commencement of construction be subject to taxation or exempt therefrom to the extent approved by a municipality acting through its local legislative body, as such local legislative body is defined in subdivision twelve of section two of the private housing finance law. Any tax payments and/or payments in lieu of taxes made to a municipality pursuant to the preceding sentence shall not be passed through nor become the liability of any of the occupants of such property.

(b) If any portion of such real property of such corporation is not used exclusively for housing of those persons set forth in paragraph a of this section but is leased or otherwise used for purposes pursuant to article two of the private housing finance law, such portion, provided it does not exceed ten per centum of the total, shall be subject to such limited exemption as is authorized pursuant to article two of the private housing finance law, and the remaining portion only shall be fully exempt. If any portion of the real property of such corporation in excess of ten per centum of the total is leased or otherwise used for housing pursuant to article two of the private housing finance law, the total property shall be subject to such limited exemption as is authorized pursuant to article two of the private housing finance law. Real property exempt from taxation pursuant to this paragraph shall also be exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter.

(c) In real property used in part for handicapped or aged persons of low income priority and preference in the rental of such real property for purposes not specified in paragraph a shall be given to a family of a person legally responsible for the care of a handicapped or an aged person residing in such real property. This preference and priority shall apply to only one such family for each handicapped or aged tenant.

2. (a) The exemption provided in paragraphs (a) and (b) of subdivision one of this section shall be upon condition that the property owned by such corporation shall upon dissolution vest in such college, university, educational institution, hospital, medical research institute, child care institution, or other not-for-profit corporation, if such college, university, educational institution, hospital, medical research institution, child care institution, or other not-for-profit corporation is exempt from taxation pursuant to the provisions of section four hundred twenty-a or four hundred twenty-b of this article and if no part of the net earnings of such college, university, educational institution, hospital, medical research institute, child care institution, or other not-for-profit corporation shall inure to the benefit of any private individual.

(b) In the event that such college, university, educational institution, hospital, medical research institute, child care institution, or other not-for-profit corporation is not otherwise exempt from taxation, title to the property shall nevertheless vest therein, but only upon payment to the municipality of a sum equal to the total of all accrued taxes, levies and assessments from which such property has been exempt under the provisions of this section.

§ 423. Phase out of exemption for redevelopment company projects upon the cessation of the tax exemption granted pursuant to contract. (1)

After the expiration of any tax exemption granted a redevelopment project pursuant to section one hundred twenty-five of the private housing finance law, which exemption is not extended pursuant to such law, that part of the value of the property which was exempt from certain taxation for local purposes by reason of such grant, shall thereafter be exempt from taxation for local purposes, other than

assessments for local improvement, commencing upon the expiration of the tax exemption granted pursuant to such section as follows: during the first year after such expiration, the taxes which shall be payable shall be the taxes which were payable during the last year of the grant of exemption plus one tenth of the difference between the taxes which were payable during such prior year and the taxes which would otherwise be payable during such first year absent this section; during the second year after such expiration, the taxes which shall be payable shall be the taxes which were payable during the first year after such expiration plus one-ninth of the difference between the taxes which were payable during such first year and the taxes which would otherwise be payable during such second year absent this section; during the third year after such expiration, the taxes which shall be payable shall be the taxes which were payable during the second year after such expiration plus one-eighth of the difference between the taxes which were payable during such second year and the taxes which would otherwise be payable during such third year absent this section; during the fourth year after such expiration, the taxes which shall be payable shall be the taxes which were payable during the third year after such expiration plus one-seventh of the difference between the taxes which were payable during such third year and the taxes which would otherwise be payable during such fourth year absent this section; during the fifth year after such expiration, the taxes which shall be payable shall be the taxes which were payable during the fourth year after such expiration plus one-sixth of the difference between the taxes which were payable during such fourth year and the taxes which would otherwise be payable during such fifth year absent this section; during the sixth year after such expiration, the taxes which shall be payable shall be the taxes which were payable during the fifth year after such expiration plus one-fifth of the difference between the taxes which were payable during such fifth year and the taxes which would otherwise be payable during such sixth year absent this section; during the seventh year after such expiration, the taxes which shall be payable shall be the taxes which were payable during the sixth year after such expiration plus one-fourth of the difference between the taxes which were payable during such sixth year and the taxes which would otherwise be payable during such seventh year absent this section; during the eighth year after such expiration, the

taxes which shall be payable shall be the taxes which were payable during the seventh year after such expiration plus one-third of the difference between the taxes which were payable during such seventh year and the taxes which would otherwise be payable during such eighth year absent this section; during the ninth year after such expiration, the taxes which shall be payable shall be the taxes which were payable during the eighth year after such expiration plus one-half of the difference between the taxes which were payable during such eighth year and the taxes which would otherwise be payable during such ninth year absent this section; during the tenth year after such expiration, the taxes which shall be payable shall be the taxes otherwise payable. (2) Any provision of law to the contrary notwithstanding, any local laws or ordinances in respect of the regulation and control of residential rents and evictions adopted pursuant to the local emergency housing rent control act shall be applicable to all dwelling accommodations in a property described in subdivision one throughout such additional exemption period whether or not such dwelling accommodations become vacant during such period, in the same manner that such local laws or ordinances would be applicable to dwelling accommodations which (i) were completed after February one, nineteen hundred forty-seven and for which a certificate of occupancy was obtained prior to March ten, nineteen hundred sixty-nine, and (ii) did not become vacant after the thirtieth day of June, nineteen hundred seventy-one, provided that the last rental set forth under a rental agreement in force relating to a dwelling accommodation in such project immediately prior to the expiration of the tax exemption granted pursuant to the private housing finance law, shall continue, and the owner of the property in which such accommodations are situate may increase such rentals.

(a) in each year by an amount not more than the increases in taxes, payable on such project by such owner over those paid in the year prior to the expiration of the tax exemption granted pursuant to the private housing finance law, allocated to such dwelling accommodation on a per room basis based on the room count set forth in the contract with a municipality originally granting the tax exemption under the private housing finance law, and

(b) by an amount not more than the difference between the average rental per room per month last authorized by the local legislative body

pursuant to the private housing finance law, and the average rental per room per month actually collected during the last year such project was exempt under such law, multiplied by the room count for such dwelling accommodation as set forth in such contract with the municipality, as well as percentage increases thereon which percentages are the same as authorized under such local laws and ordinances and generally applicable to subsequent rental agreements in dwelling accommodations in other multiple dwellings as well as any other increases authorized by law.

(3) Notwithstanding any provision of this section to the contrary, with respect to the real property of a mutual redevelopment project located in a city having a population of one million or more, the tax exemption provided in subdivision one of this section shall not apply in any year where the total period of tax exemption granted pursuant to section one hundred twenty-five of the private housing finance law and subdivision one of this section would exceed sixty years.

§ 424. Institute of arts and sciences. Real property which may hereafter be acquired within a city having a population of one million or more by a corporation, organized exclusively as an institute of arts and sciences for the general purposes of the encouragement of the study of and the advancement of knowledge in the arts and sciences within such city on which a building has been constructed as an academy of music which is maintained and operated by such corporation as such and to otherwise further the purposes for which such corporation was organized, shall be exempt from taxation including the buildings thereon as provided for corporations in section four hundred twenty-a of this article although a portion thereof is leased or otherwise used for the public performances of opera or concerts, lectures, graduation exercises or for such other non-commercial uses for the purposes of income, if such income is necessary for and is actually applied to the maintenance and support of such academy of music.

§ 425. School tax relief (STAR) exemption. 1. Generally. Real property which satisfies the requirements of this section shall be exempt from taxation for school purposes as provided herein.

2. Exempt amount. (a) Overview. There shall be two variations of the exemption authorized by this section: an exemption for property owned by persons who satisfy the criteria set forth in subdivision three of this section, which shall be known as the "basic" STAR exemption, and an exemption for property owned by senior citizens who satisfy the criteria set forth in both subdivisions three and four of this section, which shall be known as the "enhanced" STAR exemption. The exempt amount for each assessing unit shall be determined annually as set forth in this subdivision, by multiplying the "base figure" by the locally-applicable "sales price differential factor," if any, multiplying the product by the appropriate "equalization factor" for the assessing unit, and, if necessary, increasing the result to equal the applicable "floor." The result is then rounded to the nearest multiple of ten dollars.

(b) Base figure. Subject to the adjustments prescribed below, the base figure for the exemption shall be as follows:

(i) For the nineteen hundred ninety-eight--ninety-nine school year, the base figure shall be fifty thousand dollars for eligible senior citizens; no exemption shall be allowed for other persons.

(ii) For the nineteen hundred ninety-nine--two thousand school year, the base figure shall be fifty thousand dollars for eligible senior citizens, and ten thousand dollars for other eligible persons.

(iii) For the two thousand--two thousand one school year, the base figure shall be fifty thousand dollars for eligible senior citizens, and twenty thousand dollars for other eligible persons.

(iv) For the two thousand one--two thousand two school year through the two thousand five--two thousand six school year, inclusive, the base figure shall be fifty thousand dollars for eligible senior citizens, and thirty thousand dollars for other eligible persons.

(v) For the two thousand six--two thousand seven school year through the two thousand eight--two thousand nine school year, inclusive, the base figure for the enhanced STAR exemption shall be fifty-six thousand eight hundred dollars, and the base figure for the basic STAR exemption shall be thirty thousand dollars.

(vi) For the two thousand nine--two thousand ten school year and thereafter:

(A) The base figure for the enhanced STAR exemption shall equal the

prior year's base figure multiplied by the percentage increase in the consumer price index for urban wage earners and clerical workers (CPI-W) published by the United States department of labor, bureau of labor statistics, for the third quarter of the calendar year preceding the applicable school year, as compared to the third quarter of the prior calendar year. If a base figure as so determined is not exactly equal to a multiple of one hundred dollars, it shall be rounded to the nearest multiple of one hundred dollars. It shall be the responsibility of the commissioner to annually determine such base figures.

(B) The base figure for the basic STAR exemption shall be thirty thousand dollars.

(c) Sales price adjustment. (i) The base figure specified in paragraph (b) of this subdivision shall be increased for the counties and cities specified herein by multiplying that figure by the locally-applicable "sales price differential factor" determined by the commissioner. In no case shall the base figure specified in paragraph (b) of this subdivision be decreased as the result of this adjustment. A separate sales price differential factor shall be determined for each county in which the median sales price of residential real property exceeds the statewide median sales price of such property as determined herein, except that in the case of a county wholly contained within the boundaries of a city, a sales price differential factor shall be determined for the city as a whole rather than for any individual county therein. This factor shall be determined as provided herein.

(ii) In the case of a county, the median sales price of residential real property sold within the county in each of the three preceding calendar years shall be determined, and the average of those three medians shall be calculated. The data used for this purpose shall be based upon arm's length transfers within the county reported pursuant to section three hundred thirty-three of the real property law, excluding sales data which the commissioner finds to be unreliable, and including those adjustments requested by local assessors which the commissioner finds warranted.

(iii) In the case of a city which includes one or more entire counties within its boundaries, the median sales price of residential real property sold within the city in each of the three preceding calendar years shall be determined, and the average of those three medians shall

be determined. The data used for this purpose shall be based upon transfers reported to the city pursuant to a special or local law, excluding sales data which the commissioner finds to be unreliable, and including those adjustments requested by the local assessor which the commissioner finds warranted.

(iv) The median sales price of residential real property based on transactions reported pursuant to section three hundred thirty-three of the real property law in each of those same three calendar years shall be determined, subject to the exclusions and adjustments described above, and the average of those three medians shall be calculated.

(v) The average determined in subparagraph (ii) or (iii) of this paragraph, whichever is applicable, shall be divided by the average determined in subparagraph (iv) of this paragraph; provided that in no event shall the result be less than one.

(vi) The sales price of property which is held in condominium or cooperative form of ownership shall not be considered when determining median sales prices pursuant to this paragraph.

(d) Equalization adjustment. To account for the variance in the level of assessment among assessing units, the figure determined in paragraph (c) of this subdivision shall be multiplied by an "equalization factor," which shall be the appropriate state equalization rate or special equalization rate established by the commissioner. Provided, that in the case of a special assessing unit, (i) the equalization factor for class one in each school district portion shall be the class equalization rate for class one in the portion, and (ii) the equalization factor for class two in each school district portion shall be the equalization factor for class one in the portion, multiplied by the latest tax rate for class one in the portion, and then divided by the latest tax rate for class two in the portion. Provided further, that in any instance when school district taxes are levied upon an assessment roll which predates the latest final assessment roll, the equalization factor shall be the state equalization rate for the assessment roll upon which school district taxes are to be levied.

(e) Application of "floor". (i) For the two thousand eight--two thousand nine school year, the result obtained in paragraph (d) of this subdivision may not be less than ninety percent of the exempt amount determined for the prior levy, unless the level of assessment in the

assessing unit, or in class one in a special assessing unit, has changed by five percent or more, in which case the result obtained in paragraph (d) of this subdivision for the assessing unit, or for class one in a special assessing unit, may not be less than ninety percent of the product of the exempt amount determined for the prior levy multiplied by the applicable change in level of assessment factor.

(ii) For the two thousand nine--two thousand ten and subsequent school years, the result obtained in paragraph (d) of this subdivision may not be less than eighty-nine percent of the exempt amount determined for the prior levy, unless the level of assessment in the assessing unit, or in class one in a special assessing unit, has changed by five percent or more, in which case the result obtained in paragraph (d) of this subdivision for the assessing unit, or for class one in a special assessing unit, may not be less than eighty-nine percent of the product of the exempt amount determined for the prior levy multiplied by the applicable change in level of assessment factor.

(f) Rounding. The result obtained in paragraph (d) or (e) of this subdivision, whichever is applicable, shall be rounded to the nearest multiple of ten dollars, and shall thereupon be the exempt amount for the assessing unit for the levy of school district taxes on the corresponding assessment roll.

(g) Computation and certification by commissioner. It shall be the responsibility of the commissioner to compute the exempt amount for each assessing unit in each county in the manner provided herein, and to certify the same to the assessor of each assessing unit and to the county director of real property tax services of each county. Such certification shall be made at least twenty days before the last date prescribed by law for the filing of the tentative assessment roll. Provided, however, that where school taxes are levied on a prior year assessment roll, or on a final assessment roll that was filed more than one year after the tentative roll was filed, such certification shall be made no later than fifteen days after the publication of the data needed to compute the base figure for the enhanced STAR exemption pursuant to clause (A) of subparagraph (vi) of paragraph (b) of this subdivision, and provided further, that upon receipt of such certification, the assessor shall thereupon be authorized and directed to correct the assessment roll to reflect the exempt amount so certified, or, if

another person has custody or control of the assessment roll, to direct that person to make the appropriate corrections.

(h) Recertification required in certain cases. If the commissioner determines that an exempt amount calculated pursuant to this section differs from the exempt amount that should have been so calculated by five percent or more, due to a change in level of assessment, inaccurate or incomplete data, or other causes, it shall recompute the exempt amount for that assessing unit and shall certify the recomputed exempt amount to the assessor and the county director of real property tax services. 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 that person to make the appropriate corrections. If the corrections are not made before school taxes are levied, the difference between the original exempt amount and the recertified exempt amount for each affected parcel shall be deemed a "clerical error" for purposes of title three of article five of this chapter, and shall be corrected accordingly.

(i) Villages. No exempt amount shall be determined under this section for a village, unless the boundaries of the village are coterminous with those of a union free school district.

(j) Certain city school districts. The commissioner shall adjust the exempt amount for each city containing a school district which is subject to article fifty-two of the education law, to account for the fact that the school district is fiscally dependent upon the city. This adjustment shall be made by multiplying the exempt amount that would otherwise be determined for the city by sixty-seven percent, or, in the case of a city with a population of one million or more, by fifty percent. The exempt amount resulting from this calculation shall be applied both to the assessed value for city school district purposes and to the assessed value for general city purposes, and state aid shall be payable on the combined tax savings in the manner provided by section thirteen hundred six-a of this chapter.

(k) Cooperative apartment corporations. (i) For the purposes of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional

relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(ii) That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property. Upon the completion of the final assessment roll, or as soon thereafter as is practicable, the assessor shall forward to the cooperative apartment corporation a statement setting forth the exemption attributable to each eligible tenant-stockholder. The reduction in real property taxes attributable to each eligible tenant-stockholder shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder. The assessor shall also forward to the commissioner, at the time and in the manner prescribed by the commissioner, a statement setting forth the taxable assessed value attributable to each tenant-stockholder, without regard to the exemption, and such other information as the commissioner shall deem necessary to properly calculate the STAR credit authorized by subsection (eee) of section six hundred six of the tax law for those tenant-stockholders who qualify for it.

(iii) (A) Every cooperative apartment corporation, upon receiving an exemption pursuant to this section, shall provide to each eligible tenant-stockholder a written statement detailing: the full amount of the exemption to be credited to such tenant-stockholder, including information on how such amount was calculated pursuant to subparagraph (ii) of this paragraph, and how the exemption is being credited to such eligible tenant-stockholder, pursuant to the requirements of clause (B) of this subparagraph. Such written statement shall be mailed to each eligible tenant-stockholder no later than sixty days after such cooperative apartment corporation receives such exemption.

(B) Every cooperative apartment corporation, upon receiving an exemption pursuant to this section, shall credit the full amount of the

STAR exemption to each eligible tenant-stockholder in one of the following ways:

(I) A full credit against the fees and charges of any single month within the current assessment cycle with any balance to be so credited in full for the following month or months until exhausted;

(II) A proportional credit over six months during the current assessment cycle;

(III) A proportional credit over the twelve months during the current assessment cycle;

(IV) A payment of the total savings to the tenant-stockholder as an up-front, lump sum payment.

Such exemption shall be fully credited to each tenant-stockholder during the assessment cycle for which each tenant-stockholder was eligible for STAR.

(iv) Notwithstanding the provisions of subparagraph (ii) of this paragraph, when a cooperative apartment corporation is incorporated as a mutual company pursuant to the private housing finance law, and the granting of an exemption pursuant to this section would not inure to the benefit of eligible tenant-stockholders because the real property of such corporation is subject to an exemption from taxation pursuant to section thirty-three, ninety-three, one hundred twenty-five or five hundred fifty-six of the private housing finance law, an alternative benefit shall be provided to such corporation and passed through to eligible tenant-stockholders in the manner provided by this subdivision. Such alternative benefit shall consist of a reduction in the real property taxes or payments in lieu of taxes that would otherwise be payable on account of such real property. The total amount of such reduction shall be the sum of the "STAR savings" for all of the cooperative apartment units that are occupied by one or more eligible tenant-stockholders. The STAR savings for each such unit shall be equal to one-third of the exempt amount determined pursuant to paragraph (a) of this subdivision for purposes of the basic or enhanced exemption, as the case may be, multiplied by the applicable school tax rate, or in the case of a school district described in paragraph (j) of this subdivision, by the applicable city tax rate. Provided, however, in no case shall the STAR savings for any individual unit exceed the amount

payable by or chargeable to the unit on account of real property taxes or payments in lieu of taxes. The STAR savings so determined for each unit shall be credited by the cooperative apartment corporation against the real property taxes or payments in lieu of taxes otherwise payable by or chargeable to the eligible tenant-stockholders. The total of the alternative benefits provided pursuant to this subparagraph shall be a state charge which shall be payable in the same manner that school districts are compensated pursuant to section thirteen hundred six-a of this chapter for tax savings attributable to exemptions granted pursuant to this section.

(l) Trailers and mobile homes. (i) When the value of a trailer or mobile home has been included in the assessment of the land on which it is located pursuant to paragraph (g) of subdivision twelve of section one hundred two of this chapter, the provisions of this paragraph shall apply.

(ii) If the owner of the trailer or mobile home also owns the land, he or she may apply for exemption pursuant to this section in the same manner as any other homeowner.

(iii) If the owner of the trailer or mobile home does not own the land, he or she may apply for exemption pursuant to this section only upon the trailer or mobile home. If granted, only the portion of the assessment of the parcel attributable to the trailer or mobile home shall be subject to exemption from taxation pursuant to this section. In no event shall the exemption exceed the total assessed value attributable to the trailer or mobile home. The exemption shall be credited by the appropriate taxing authority against the assessed valuation of the parcel. Upon the completion of the final assessment roll, or as soon thereafter as is practicable, the assessor shall forward to the landowner a statement setting forth the exemption attributable to each eligible trailer or mobile home. The reduction in real property taxes attributable to each eligible trailer or mobile home shall be credited by the landowner against the rent payable on account of such trailer or mobile home, subject to the provisions of subdivision w of section two hundred thirty-three of the real property law.

(iv) Beginning with assessment rolls used to levy school district taxes for the two thousand twenty-two--two thousand twenty-three school year, no exemption shall be granted pursuant to this section to a mobile

home that is described in this paragraph. Owners of such property may claim the credit authorized by subsection (eee) of section six hundred six of the tax law in the manner prescribed therein. The commissioner shall develop a process to automatically switch qualified exemption recipients into the STAR credit, and to request additional information from those exemption recipients whose credit eligibility cannot be independently confirmed. Each affected individual shall be notified of the switch as soon as practicable. Once the individual receives a STAR credit check and deposits or endorses it, he or she shall be deemed to have consented to the switch and shall not be permitted to switch back to the exemption.

3. Eligibility requirements. (a) Property use. To qualify for exemption pursuant to this section, the property must be a one, two or three family residence, a farm dwelling or residential property held in condominium or cooperative form of ownership. If the property is not an eligible type of property, but a portion of the property is partially used by the owner as a primary residence, that portion which is so used shall be entitled to the exemption provided by this section; provided that in no event shall the exemption exceed the assessed value attributable to that portion.

(b) Primary residence. The property must serve as the primary residence of one or more of the owners thereof.

(b-1) Income. For final assessment rolls to be used for the levy of taxes for the two thousand eleven-two thousand twelve through two thousand eighteen-two thousand nineteen school years, the parcel's affiliated income may be no greater than five hundred thousand dollars, as determined by the commissioner pursuant to subdivision fourteen of this section or section one hundred seventy-one-u of the tax law, in order to be eligible for the basic exemption authorized by this section. Beginning with the two thousand nineteen-two thousand twenty school year, for purposes of the exemption authorized by this section, the parcel's affiliated income may be no greater than two hundred fifty thousand dollars, as so determined. As used herein, the term "affiliated income" shall mean the combined income of all of the owners of the parcel who resided primarily thereon on the applicable taxable status date, and of any owners' spouses residing primarily thereon. For

exemptions on final assessment rolls to be used for the levy of taxes for the two thousand eleven-two thousand twelve school year, affiliated income shall be determined based upon the parties' incomes for the income tax year ending in two thousand nine. In each subsequent school year, the applicable income tax year shall be advanced by one year. The term "income" as used herein shall have the same meaning as in subdivision four of this section, and the provisions of clause (B) of subparagraph (ii) of paragraph (b) of subdivision four of this section shall be equally applicable to the basic exemption.

(c) Trusts. If legal title to the property is held by one or more trustees, the beneficial owner or owners shall be deemed to own the property for purposes of this subdivision.

(d) Farm dwellings not owned by the resident. (i) If legal title to the farm dwelling is held by an S-corporation or by a C-corporation, the exemption shall be granted if the property serves as the primary residence of a shareholder of such corporation.

(ii) If the legal title to the farm dwelling is held by a partnership, the exemption shall be granted if the property serves as the primary residence of one or more of the partners.

(iii) If the legal title to the farm dwelling is held by a limited liability company, the exemption shall be granted if the property serves as the primary residence of one or more of the owners.

(iv) Any information deemed necessary to establish shareholder, partner or owner status for eligibility purposes shall be considered confidential and exempt from the freedom of information law.

(e) Dwellings owned by limited partnerships. (i) If legal title to a dwelling is held by a limited partnership, the exemption shall be granted if the property serves as the primary residence of one or more of the partners, provided that the limited partnership which holds title to the property does not engage in any commercial activity, that the limited partnership was lawfully created to hold title solely for estate planning and asset protection purposes, and that the partner or partners who primarily reside thereon personally pay all of the real property taxes and other costs associated with the property's ownership.

(ii) Any information deemed necessary to establish partner status for eligibility purposes shall be considered confidential and exempt from the freedom of information law.

4. Senior citizens. The enhanced exemption for property owned by senior citizens shall be provided where all of the following requirements are satisfied:

(a) Age. (i) At least one of the owners who resides primarily on the property must be sixty-five years of age or older as of the date specified herein. For the two thousand--two thousand one school year, eligibility for the exemption shall be based upon age as of December thirty-first, two thousand. For each subsequent school year, the applicable date shall be advanced by one year.

(ii) In the case of property owned by a married couple, if only one of the spouses is sixty-five years of age or over, the exemption, once granted, shall not be rescinded solely because of the death of the older spouse so long as the surviving spouse is at least sixty-two years of age as of the date specified in this paragraph.

(b) Income. (i) The combined income of all of the owners who primarily reside on the property, and of any owners' spouses primarily residing on the property, may not exceed the applicable income standard specified herein.

(A) For final assessment rolls to be completed prior to two thousand three, eligibility for the exemption shall be based upon income for the income tax year immediately preceding the date of making application for the exemption, and the income standard shall be sixty thousand dollars.

(B) For final assessment rolls to be completed in two thousand three, eligibility for the exemption shall be based upon income for the income tax year ending in two thousand one, and the income standard shall be the previously-applicable income standard of sixty thousand dollars increased by the cost-of-living-adjustment percentage for two thousand one. For purposes of this computation, the cost-of-living-adjustment percentage for two thousand one shall be equal to the "applicable increase percentage" used by the United States commissioner of social security to determine monthly social security benefits payable in two thousand one to individuals, as provided by subsection (i) of section four hundred fifteen of title forty-two of the United States code.

(C) For final assessment rolls to be completed in each ensuing year, the applicable income tax year, cost-of-living-adjustment percentage and applicable increase percentage shall all be advanced by one year, and

the income standard shall be the previously-applicable income standard increased by the new cost-of-living-adjustment percentage. If there should be a year for which there is no applicable increase percentage due to a general benefit increase as defined by subdivision three of subsection (i) of section four hundred fifteen of title forty-two of the United States code, the applicable increase percentage for purposes of this computation shall be deemed to be the percentage which would have yielded that general benefit increase.

(C-1) Notwithstanding the provisions of clause (C) of this subparagraph, in the event that a senior citizen, as a result of the death of his or her spouse, experiences a decrease in income such that he or she would qualify for the enhanced exemption if his or her eligibility were based upon his or her income for the income tax year immediately subsequent to the income tax year that would otherwise be applicable pursuant to clause (C) of this subparagraph, then the eligibility of such senior citizen for the enhanced exemption on the applicable taxable status date shall be determined based upon his or her income for such later income tax year; provided that the income tax return for such year has been filed with the appropriate state or federal agency and a copy thereof has been filed with the assessor on or before the applicable taxable status date, or other documentation of income eligibility has been filed with the assessor on or before the applicable taxable status date.

(D) In no case shall an income standard be decreased from one assessment roll to the next.

(E) If the income standard initially computed for an assessment roll is not exactly equal to a multiple of fifty dollars, it shall be rounded up to the next higher multiple of fifty dollars.

(F) It shall be the responsibility of the commissioner to annually determine all income standards pursuant to this subdivision beginning with final assessment rolls to be completed in two thousand three, to cause notice thereof to be published in the state register, to disseminate notice thereof to assessors, county directors of real property tax services, and such other parties as it may deem appropriate, and to post notice thereof on its website.

(ii) The term "income" as used herein shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's

federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity; provided that if no such return was filed for the applicable income tax year, "income" shall mean the amount that would have been so reported if such a return had been filed. Provided further, that:

(A) Effective with exemption applications for final assessment rolls to be completed in two thousand nineteen, where an income-eligibility determination is wholly or partly based upon the income of one or more individuals who did not file a return for the applicable income tax year, then in order for the application to be considered complete, each such individual must file a statement with the department showing the source or sources of such individual's income for that income tax year, and the amount or amounts thereof, that would have been reported on such a return if one had been filed. Such statement shall be filed at such time, and in such form and manner, as may be prescribed by the department, and shall be subject to the secrecy provisions of the tax law to the same extent that a personal income tax return would be. The department shall make such forms and instructions available for the filing of such statements. The local assessor shall upon the request of a taxpayer assist such taxpayer in the filing of the statement with the department.

(B) Notwithstanding the foregoing provisions of this subparagraph, where property is owned solely by a person or persons who received the exemption for three consecutive years without having filed returns for the applicable income tax years, but who demonstrated their eligibility for the exemption to the commissioner's satisfaction by filing statements pursuant to clause (A) of this subparagraph, such person or persons shall be presumed to satisfy the applicable income-eligibility requirements each year thereafter and shall not be required to continue to file such statements in the absence of a specific request therefor from the commissioner. Nothing contained herein shall be construed to prevent the commissioner from denying an exemption pursuant to this section when the commissioner determines that a property owner has a source of income that renders that owner ineligible for that exemption.

(iii) Any information or documentation submitted by the applicant in connection with applications for or renewal of the exemption authorized under this section to verify income, shall be deemed confidential, and the assessor, any municipal officer or municipal employees are prohibited from disclosing any such information, except for any disclosure necessary in the performance of their official duties, and except as authorized by subparagraph (v) of this paragraph. Any unauthorized disclosure of such information shall be deemed a violation of section eight hundred five-a of the general municipal law.

(iv) (A) Effective with applications for the enhanced exemption on final assessment rolls to be completed in two thousand nineteen, the application form shall indicate that all owners of the property and any owners' spouses residing on the premises must have their income eligibility verified annually by the department and must furnish their taxpayer identification numbers in order to facilitate matching with records of the department. The income eligibility of such persons shall be verified annually by the department, and the assessor shall not request income documentation from them. All applicants for the enhanced exemption and all assessing units shall be required to participate in this program, which shall be known as the STAR income verification program. The commissioner may, in his or her discretion, extend the enrollment period of the STAR income verification program for property owners whose property received the enhanced exemption on the final assessment roll completed in two thousand eighteen but who failed to enroll in sufficient time to have the exemption continued on the final assessment roll completed in two thousand nineteen. Where appropriate, the commissioner is further authorized to remit directly to such a property owner a payment in an amount equal to the difference between the school tax bill that the property owner actually received and the school tax bill that the property owner would have received had he or she enrolled in a timely manner.

(B) Effective with final assessment rolls to be completed in two thousand twenty, the commissioner shall also annually verify the eligibility of such persons for the enhanced exemption on the basis of age and residency as well as income.

(C) When the commissioner determines that property is ineligible for a STAR exemption, notice of such determination and an opportunity for

review thereof shall be provided in the manner set forth in subdivision four-b of this section.

(c) Absence from residence. An exemption may be granted pursuant to this subdivision notwithstanding the fact that an owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section twenty-eight hundred one of the public health law, provided that during such confinement such property is not occupied by anyone other than the spouse or co-owner of such owner.

4-a. Special situations. (a) Married couples with two or more residences. A husband and wife may receive an exemption pursuant to this section on no more than one residence, unless living apart due to legal separation.

(b) Parcels with two or more separate residences thereon. When a parcel includes two or more physically separate residences, an exemption may be granted pursuant to this section to each residence which (i) serves as the primary residence of at least one of the owners of the parcel, and (ii) would be eligible for an exemption pursuant to this section if it were separately assessed and owned exclusively by the owner or owners who reside therein, provided that only one such exemption may be applied to the land included within the parcel.

(c) Residences split by municipal boundaries. When an applicant's primary residence is located in two or more municipal corporations, each portion of the residence shall be eligible for the exemption provided by this section if the eligibility requirements are otherwise satisfied, provided that the exemption shall be pro-rated in the same manner as the full value of the property was apportioned to each municipal corporation by the respective assessors, so that the total tax savings resulting from the exemption does not exceed the tax savings that would be received if the residence were contained entirely within one municipal corporation. The provisions of this paragraph shall not apply when the land associated with a residential structure is located in more than one municipal corporation, but the residential structure itself is located entirely within one of those municipal corporations.

4-b. Authority of the commissioner in relation to eligibility

determinations. (a) (i) Notwithstanding any provision of this section to the contrary, it shall be the responsibility of the commissioner to determine eligibility for the basic and enhanced STAR exemptions authorized by this section, in consultation with local assessors as necessary.

(ii) The commissioner's eligibility determinations shall be based upon data the commissioner has obtained from local assessment rolls, personal income tax returns, the STAR registration program, the STAR income verification program and such other data sources as may be available to the commissioner.

(iii) The process followed by the commissioner to verify eligibility for the basic and enhanced STAR exemptions shall be the same, except to the extent that differences are required by law.

(b) If the commissioner should determine that a parcel that has a basic STAR exemption is eligible for an enhanced STAR exemption, the commissioner shall so notify the assessor. The assessor shall thereupon grant the parcel an enhanced STAR exemption without requesting a new application from the owner.

(c) If the commissioner determines that property is not eligible for a STAR exemption it has been receiving, the provisions of this subdivision shall be applicable.

(i) The commissioner shall provide the property owners with notice and an opportunity to show the commissioner that the property is eligible to receive the exemption. If the owners fail to respond to such notice within forty-five days from the mailing thereof, or if their response does not show to the commissioner's satisfaction that the property is eligible for the exemption, the commissioner shall direct the assessor or other person having custody or control of the assessment roll or tax roll to remove or deny the exemption, and to correct the roll accordingly. Such a directive shall be binding upon the assessor or other person having custody or control of the assessment roll or tax roll, and shall be implemented by such person without the need for further documentation or approval.

(ii) Neither an assessor nor a board of assessment review has the authority to consider an objection to the removal or denial of an exemption pursuant to this subdivision, nor may such an action be reviewed in a proceeding to review an assessment pursuant to title one

or one-A of article seven of this chapter. Such an action may only be challenged before the department of taxation and finance. If a taxpayer is dissatisfied with the department's final determination, the taxpayer may appeal that determination to the state board of real property tax services in a form and manner to be prescribed by the commissioner. Such appeal shall be filed within forty-five days from the issuance of the department's final determination. If dissatisfied with the state board of real property tax services' determination, the taxpayer may seek judicial review thereof pursuant to article seventy-eight of the civil practice law and rules. The taxpayer shall otherwise have no right to challenge such final determination in a court action, administrative proceeding or any other form of legal recourse against the commissioner, the department of taxation and finance, the state board of real property tax services, the assessor or other person having custody or control of the assessment roll or tax roll regarding such action.

5. Notice requirement. (a) Generally. Every school district shall notify, or cause to be notified, each person owning residential real property in the school district of the provisions of this section. The provisions of this subdivision may be met by a notice sent to such persons in substantially the following form: "Residential real property may qualify for a partial exemption from school district taxes under the New York state school tax relief (STAR) program. To receive such exemption, owners of qualifying property must file an application with their local assessor on or before the applicable taxable status date. For further information, please contact your local assessor."

(d) Third party notice. (i) A senior citizen eligible for the enhanced exemption may request that a notice be sent to an adult third party. Such request shall be made on a form prescribed by the commissioner and shall be submitted to the assessor of the assessing unit in which the eligible taxpayer resides no later than sixty days before the first taxable status date to which it is to apply. Such form shall provide a section whereby the designated third party shall consent to such designation. Such request shall be effective upon receipt by the assessor. The assessor shall maintain a list of all eligible property owners who have requested notices pursuant to this paragraph and shall furnish a copy of such list to the department upon request.

(ii) A notice shall be sent to the designated third party whenever the assessor or department sends a notice to the senior citizen regarding the possible removal of the enhanced STAR exemption. When the exemption is subject to removal because the commissioner has determined that the income eligibility requirement is not satisfied, such notice shall be sent to the third party by the department. When the exemption is subject to removal because the assessor has determined that any other eligibility requirement is not satisfied, such notice shall be sent to the third party by the assessor. Such notice shall read substantially as follows:

"On behalf of (identify senior citizen or citizens), you are advised that his, her, or their enhanced STAR exemption is at risk of being removed. You are encouraged to make sure that he, she or they are aware of that fact, and to offer assistance if needed, although you are under no legal obligation to do so. Your cooperation and assistance are greatly appreciated."

(iii) The obligation to mail such notices shall cease if the eligible taxpayer cancels the request or ceases to qualify for the enhanced STAR exemption.

(e) Notice not mailed or received. Failure to mail any notice required by this subdivision, or the failure of a party to receive same, shall not affect the validity of the levy, collection, or enforcement of taxes on property owned by such person, or in the case of a third party notice, on property owned by the senior citizen.

6. Application procedure. (a) Generally. All owners of the property who primarily reside thereon and who are not subject to the provisions of subdivision sixteen of this section must jointly file an application for exemption with the assessor on or before the appropriate taxable status date. Such application may be filed by mail if it is enclosed in a postpaid envelope properly addressed to the appropriate assessor, deposited in a post office or official depository under the exclusive care of the United States postal service, and postmarked by the United States postal service on or before the applicable taxable status date. Each such application shall be made on a form prescribed by the commissioner, which shall require the applicant or applicants to agree to notify the assessor if their primary residence changes while their

property is receiving the exemption. The assessor may request that proof of residency be submitted with the application. If the applicant requests a receipt from the assessor as proof of submission of the application, the assessor shall provide such receipt. If such request is made by other than personal request, the applicant shall provide the assessor with a self-addressed postpaid envelope in which to mail the receipt.

(a-1) Final date for exemption application in the city of New York. Notwithstanding the provisions of this section or any other provision of law, in the city of New York, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth day of March of the appropriate year and in such city all references in this section to taxable status date shall be deemed to refer to the fifteenth day of March of the appropriate year.

(a-2) Notwithstanding any provision of law to the contrary, when a property owner of a property with a basic STAR exemption believes they have become eligible for the enhanced STAR exemption but their basic STAR exemption has not been changed to an enhanced STAR exemption pursuant to the provisions of paragraph (b) of subdivision four-b of this section, the owner may, no later than the last day for paying school taxes without incurring interest or penalty, submit a request to the commissioner asking the commissioner to grant the exemption. Such request shall be in a form prescribed by the commissioner and shall contain an explanation of why the property owner believes they have become eligible for the enhanced STAR exemption. After consulting with the assessor, the commissioner may grant the exemption if the commissioner is satisfied that the applicant is entitled to the exemption. The commissioner shall mail notice of such determination to such owner and the assessor. If the determination states that the commissioner has granted the exemption, 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 that person to make the appropriate corrections. Provided, however, that if the assessment roll cannot be corrected in time for the exemption to appear on the applicant's school tax bill, the commissioner shall be authorized to remit directly to the applicant the tax savings

that the STAR exemption would have yielded if it had appeared on the applicant's tax bill. The amounts so payable shall be paid from the account established for the payment of STAR benefits to late registrants pursuant to subparagraph (iii) of paragraph (a) of subdivision fourteen of this section.

(b) Approval or denial of application. If the assessor is satisfied that the applicant or applicants are entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from school district taxation as provided herein. If the assessor determines that the applicant or applicants are not entitled to an exemption pursuant to this section, he or she shall, not later than ten days prior to the date for hearing complaints in relation to assessments, mail to each applicant not entitled to the exemption a notice of denial of that application for the exemption herein for that year; except that in the city of New York, such notice shall be mailed not later than thirty days prior to the final date for filing an assessment appeal as set forth in paragraph (b-1) of this subdivision. The notice of denial shall specify each reason for such denial and shall be sent on a form prescribed by the commissioner. Failure to mail any such notice of denial or the failure of any person to receive such notice shall not prevent the levy, collection and enforcement of the taxes on property owned by such person.

(b-1) Final date for filing assessment appeal in the city of New York. Notwithstanding any other provision of law, in the city of New York, the final date for filing an assessment appeal with respect to the denial of applications pursuant to this section only shall be the thirty-first day of May of the appropriate year. With respect to assessment appeals filed pursuant to this paragraph after the final date for filing an assessment appeal as set forth in chapter seven of the New York city charter, the only issues that will be determined by the tax commission are those that relate to the denial of an application for exemption pursuant to this section.

(d) Prior year assessment rolls. (i) Where school district taxes are levied upon prior year assessment rolls, the assessing unit may adopt a local law allowing STAR applications for each school year to be submitted on or before the taxable status date of the current year's

assessment roll. Such local law shall apply to assessment rolls based upon taxable status dates occurring on or after the effective date of such local law and shall remain applicable thereafter unless and until it should be repealed or rescinded.

(ii) When such a local law is in effect the eligibility of property for a STAR exemption for a school year shall be based upon the condition of the property as of the taxable status date of the prior year's assessment roll, and the ownership of the property as of the taxable status date of the current year's assessment roll. When a STAR application is approved, the prior year's assessment roll shall be revised accordingly. When a STAR application is denied, the applicant may seek administrative and judicial review of the denial, subject to the same timing constraints that apply to persons seeking review of assessments appearing on the current year's assessment roll.

(iii) For purposes of this paragraph, the term "current year's assessment roll" means the final assessment roll which is required by law to be completed in the calendar year that contains the first day of the school year in question, and the term "prior year's assessment roll" means the final assessment roll which was required by law to be completed in the calendar year immediately preceding the calendar year that contains the first day of the school year in question.

(e) Except in the city of New York, notwithstanding the provisions of paragraph (a) of this subdivision, an application for such exemption may be filed with the assessor after the appropriate taxable status date but not later than the last date on which a petition with respect to complaints of assessment may be filed, where failure to file a timely application resulted from: (i) a death of the applicant's spouse, child, parent, brother or sister; or (ii) an illness of the applicant or of the applicant's spouse, child, parent, brother or sister, which actually prevents the applicant from filing on a timely basis, as certified by a licensed physician. The assessor shall approve or deny such application as if it had been filed on or before the taxable status date.

7. Entry on assessment roll. (a) The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption entered in a separate column.

(b) The exemption provided by this section shall be applied after all other exemptions allowed by law have been subtracted from the total assessed value of the parcel, notwithstanding the provisions of any law to the contrary.

(c) In no event shall the exemption authorized by this section exceed the total assessed value of the parcel less all other exemptions allowed by law.

(d) Where a person is the owner of a present interest in a parcel under a life estate, or is a vendee in possession under an installment contract of sale, or is a beneficial owner under a trust, or resides primarily in a dwelling which is owned by a corporation or partnership but is nonetheless eligible for exemption pursuant to paragraph (d) or (e) of subdivision three of this section, and that person has applied for and been granted an exemption pursuant to this section, that person shall be deemed to be the owner of the parcel for purposes of this section and section five hundred two of this chapter. Provided that duplicate tax statements shall be sent upon request to the remainderman, vendor, trustee, or corporation or partnership that owns the dwelling, whichever is applicable; provided further that the provisions of section nine hundred twenty-three of this chapter regarding the issuance of duplicate tax statements in certain cases shall apply to such requests so far as practicable. Nothing contained in this subdivision shall be construed as affecting in any way the validity or enforceability of a real property tax, or the applicability of interest or penalties with respect thereto, when an owner's name has not been accurately recorded or when a duplicate tax statement is not sent or received.

8. Effect of exemption. The exemption authorized by this section shall have the effect specified in section one thousand three hundred six-a of this chapter. The exemption shall not be considered when determining state aid to education pursuant to section thirty-six hundred two of the education law, when determining school district debt limits pursuant to law, when determining the amount of taxes to be levied by or on behalf of a school district, when calculating tax rates for a school district, when apportioning taxes between or among school districts, when apportioning taxes among classes in a special assessing unit under article eighteen of this chapter, or when apportioning taxes between

classes in an approved assessing unit under article nineteen of this chapter.

9-a. Duration of exemption; basic exemption. The basic exemption, once granted, shall remain in effect until discontinued in the manner provided in this section.

9-b. Duration of exemption; enhanced exemption. (a) The enhanced exemption, once granted, shall remain in effect until discontinued in the manner provided in this section.

(b) The assessor shall review the continued compliance of recipients of the enhanced exemption with the applicable ownership and residency requirements to the same extent as if they were receiving a basic STAR exemption.

10. Proof of residency. (a) Requests. From time to time, the assessor may request proof of residency from the owner or owners of any property which is exempt pursuant to this section. In addition, the assessor shall request proof of residency from any such owner or owners when requested to do so by the commissioner.

(b) Timing. A request for proof of residency shall be mailed at least sixty days prior to the ensuing taxable status date. The owner or owners shall submit proof of their residency to the assessor on or before the ensuing taxable status date.

(c) Review of submission. The burden shall be on the owner or owners to establish that the property is their primary residence. If they submit proof of residency on or before the ensuing taxable status date, and the submission demonstrates to the assessor's satisfaction that the property is the primary residence of one or more of the owners thereof, and if the requirements of this section are otherwise satisfied, the exemption shall continue in effect on the ensuing tentative assessment roll. Otherwise, the assessor shall discontinue the exemption on the next ensuing tentative assessment roll as provided herein, and, where appropriate, shall proceed as further provided herein.

11. Discontinuance of exemption. (a) Generally. The assessor shall discontinue any exemption granted pursuant to this section if it appears

that: (i) the property may not be the primary residence of the owner or owners who applied for the exemption, (ii) title to the property has been transferred to a new owner or owners, or (iii) the property otherwise may no longer be eligible for the exemption.

(b) Rights of owners. Upon determining that an exemption granted pursuant to this section should be discontinued, the assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by section five hundred ten of this chapter. Such owner or owners shall be entitled to seek administrative and judicial review of such action in the manner provided by law, provided, that the burden shall be on such owner or owners to establish eligibility for the exemption.

(c) Transfers of title. When the assessor has received a report pursuant to section five hundred seventy-four of this chapter of a transfer of title to real property which is exempt pursuant to this section, the assessor shall discontinue the exemption as required by subdivision sixteen of this section. The assessor shall not implement the provisions of section five hundred twenty of this chapter upon such a transfer, except to the extent that the property may also be receiving one or more other exemptions.

(d) Notice not mailed or received. The failure to mail any such notice or application, or the failure of the owner or owners to receive the same, shall not prevent the levy, collection and enforcement of the payment of the taxes on such real property.

12. Revocation of prior exemptions. (a) Generally. In addition to discontinuing the exemption on the next ensuing tentative assessment roll, if the assessor determines that the property improperly received the exemption on one or more of the six preceding assessment rolls, provided that final assessment rolls that were filed prior to April first, two thousand ten shall not be subject to the provisions of this subdivision, or is advised by the department that the applicable income standard was not satisfied with regard to a property which received the enhanced exemption on one or more of those rolls, he or she shall proceed to revoke the improperly granted prior exemption or exemptions. If the assessor is advised that the department was unable to verify the income eligibility of one or more participants in the income

verification program, the assessor shall mail that person or those persons a notice in a form prescribed by the department requesting that the person or persons document their income in the same manner and to the same extent as if the person or persons were submitting an initial application for the enhanced STAR exemption. If such income documentation is not provided within forty-five days of such request, or if the documentation provided does not establish the eligibility of the person or persons to the assessor's satisfaction, the assessor shall treat the exemption as an improperly granted exemption and proceed in the manner provided by this subdivision.

(b) Procedure. The assessed value attributable to each such improperly granted exemption shall be entered separately on the next ensuing tentative or final assessment roll. The provisions of section five hundred fifty-one or five hundred fifty-three of this chapter, relating to the entry by the assessor of omitted real property on a tentative or final assessment roll, shall apply so far as practicable to the revocation procedure in this subdivision, except that:

(i) the tax rate to be applied to any revoked exemption shall be the tax rate that was applied to the corresponding assessment roll,

(ii) interest shall then be added to each such product at the rate prescribed by section nine hundred twenty-four-a of this chapter or such other law as may be applicable for each month or portion thereon since the levy of taxes upon the assessment roll or rolls upon which the exemption was granted, and

(iii) for improperly granted STAR exemptions occurring on assessment rolls filed on and after April first, two thousand thirteen, a processing fee of five hundred dollars shall be added. Such processing fee imposed pursuant to this subdivision shall be retained by the assessing unit and the state shall be entitled to no part thereof.

(c) Rights of owners. Each owner or owners shall be given notice of the possible revocation under this subdivision of their exemption or exemptions at the time and in the manner provided by section five hundred ten or five hundred fifty-three of this chapter, and shall be entitled to seek administrative and judicial review of such action in the manner provided by law.

(d) Applicability. The provisions of this subdivision shall not be applicable to the extent that the prior exemptions shall have been

renounced pursuant to section four hundred ninety-six of this article.

(e) Records retention. Nothing in this section shall be construed to impose upon an assessor a duty to retain records for a period longer than the period prescribed pursuant to the arts and cultural affairs law, or to require an assessor to conduct a review of a taxpayer's eligibility when the assessor has disposed of the relevant records in accordance with such law.

13. Penalty for material misstatements. (a) Generally. If the assessor should determine that there was a material misstatement on an application for exemption pursuant to this section that was filed on or after October first, two thousand ten, he or she shall proceed to impose a penalty tax against the property. If the application was filed prior to October first, two thousand thirteen, the penalty tax shall be one hundred dollars, provided that the assessor's determination must be made within three years of the filing of the application. If the application was filed on or after October first, two thousand thirteen, the penalty tax shall be either one hundred dollars or twenty percent of the improperly received tax savings, whichever is greater not to exceed two thousand five hundred dollars, provided further that the assessor's determination must be made within six years of the filing of the application. An application shall be deemed to contain a material misstatement for this purpose when either:

(i) the applicant or applicants claimed that the property was their primary residence, when it was not; or

(ii) the applicant or applicants claimed that they had relinquished the STAR exemption on their former primary residence, when they knew they had not; or

(iii) in the case of an application for the enhanced exemption for property owned by senior citizens, the applicant or applicants misrepresented their age or income so as to appear eligible for such exemption, when they were not.

(b) Procedure. When the assessor determines that a penalty tax should be imposed, the penalty tax shall be entered on the next ensuing tentative or final assessment roll. The procedures set forth in section five hundred fifty-one or five hundred fifty-three of this chapter, relating to the entry by the assessor of omitted real property on a

tentative or final assessment roll, shall apply so far as practicable when imposing a penalty tax pursuant to this subdivision. Each owner or owners shall be given notice of the possible imposition of a penalty tax at the time and in the manner provided by section five hundred ten or five hundred fifty-three of this chapter, and shall be entitled to seek administrative and judicial review of such action in the manner provided by law. Any penalty tax imposed pursuant to this subdivision shall be retained by the assessing unit and the state shall be entitled to no part thereof.

(c) Additional consequences. A penalty tax may be imposed pursuant to this subdivision whether or not the improper exemption has been revoked in the manner provided by this section. In addition, a person or persons who are found to have made a material misstatement shall be disqualified from further exemption pursuant to this section, and if such misstatement appears on an application filed on or after April first, two thousand nineteen, from the credit authorized by subsection (eee) of section six hundred six of the tax law, for a period of six years. In addition, such person or persons may be subject to prosecution pursuant to the penal law.

(d) Applicability. The provisions of this subdivision shall not be applicable to the extent that the prior exemptions shall have been renounced pursuant to section four hundred ninety-six of this article.

(e) Records retention. Nothing in this section shall be construed to impose upon an assessor a duty to retain records for a period longer than the period prescribed pursuant to the arts and cultural affairs law, or to require an assessor to conduct a review of a taxpayer's eligibility when the assessor has disposed of the relevant records in accordance with such law.

(f) Assessor notification. The assessor shall inform the commissioner whenever a person or persons is found to have made a material misstatement on an application for the exemption authorized by this section.

14. STAR registration program. (a) The commissioner shall establish and implement a program under which all owners of properties initially applying for and those receiving a basic STAR exemption shall be required to be registered with the commissioner in the manner, at such

intervals, and by the date or dates prescribed by the commissioner, provided that:

(i) Owners of properties that are receiving the basic STAR exemption during the two thousand twelve--two thousand thirteen school year shall be required to initially register with the commissioner no later than April first, two thousand fourteen;

(ii) The commissioner shall provide written notice of the registration requirement to such owners at least sixty days before the registration deadline established pursuant to subparagraph (i) of this paragraph;

(iii) An owner who fails to register by the registration deadline so established shall be permitted to file a petition with the commissioner requesting that the commissioner excuse such failure and accept a late registration, provided that such petition shall explain why such failure occurred and shall be filed no later than one year after such deadline, and provided further that if the commissioner accepts a late registration after having directed the removal of the Basic STAR exemption from the property to which the registration pertains, then in lieu of directing the exemption to be restored, the commissioner is authorized in his or her discretion to remit directly to the property owner or owners the tax savings that the exemption would have yielded had it not been removed, and to further direct the assessor to restore the exemption on a prospective basis without a new application unless the assessor has reason to believe that the property owner is no longer eligible for reasons other than a failure to register;

(iv) After the initial registration program has been implemented, the commissioner shall endeavor to confirm the continuing eligibility of STAR recipients through means other than re-registration, such as by reviewing the relevant data appearing on personal income tax returns. The commissioner may reinstate the registration requirement, provided that in no event may the commissioner require registered STAR recipients to re-register more than once in a three-year period if their primary addresses have not changed.

(b) Notwithstanding any provision of law to the contrary, the commissioner shall direct the removal or denial of a STAR exemption if he or she finds that one or more of the following conditions exist:

(i) all owners of the property have not been registered by the prescribed date and no acceptable justification has been presented for

such failure;

(ii) the owners of the property are improperly receiving multiple STAR exemptions;

(iii) the property does not serve as the primary residence of any of its owners;

(iv) the applicable income limitation has been exceeded; or

(v) the property is otherwise ineligible for the STAR exemption.

(c) When the commissioner determines that a property is ineligible for a STAR exemption, notice of such determination and an opportunity for review thereof shall be provided in the manner set forth in subdivision four-b of this section.

(e) The commissioner shall be entitled to utilize information from any filings of a taxpayer with the department of taxation and finance in conjunction with the STAR registration program.

14-a. Implementation of certain eligibility determinations. When a taxpayer's eligibility for exemption under this section for a school year is affected by a determination made in accordance with subparagraph (iv) of paragraph (b) of subdivision four of this section or paragraph (c) or (d) of subdivision fourteen of this section, and the determination is made after the school district taxes for that school year have been levied, the provisions of this subdivision shall be applicable.

(a) If the determination restores or increases the taxpayer's exemption for that school year, the commissioner is authorized to remit the excess directly to the property owner upon receiving confirmation that the taxpayer's original school tax bill has been paid in full. The amounts payable by the commissioner under this paragraph shall be paid from the account established for the payment of STAR benefits to late registrants pursuant to subparagraph (iii) of paragraph (a) of subdivision fourteen of this section. When the commissioner implements the determination in this manner, he or she shall so notify the assessor and county director of real property tax services, but no correction shall be made to the assessment roll or tax roll for that school year, and no refund shall be issued by the school authorities to the property owner or his or her agent for the excessive amount of school taxes paid for that school year.

(b) If the determination removes, denies or decreases the taxpayer's exemption for that school year, the commissioner is authorized to collect the shortfall directly from the owners of the property, together with interest, by utilizing any of the procedures for collection, levy, and lien of personal income tax set forth in article twenty-two of the tax law, and any other relevant procedures referenced within the provisions of such article. When the commissioner implements the determination in this manner, he or she shall so notify the assessor and county director of real property tax services, but no correction shall be made to the assessment roll or tax roll for that school year, and no corrected school tax bill shall be sent to the taxpayer for that school year.

15. Recoupment of exemptions by commissioner. (a) Generally. If the commissioner should determine, based upon data collected under the STAR registration program, that property improperly received the basic STAR exemption in the current school year or one or more of the three preceding school years, the commissioner shall treat the exemption as an improperly granted exemption and proceed in the manner provided by this subdivision; provided that final assessment rolls that were filed prior to April first, two thousand eleven shall not be subject to the provisions of this subdivision.

(b) Procedure. The tax savings attributable to each such improperly granted exemption shall be collected from the owners whose property improperly received the exemption for the applicable year, together with interest as specified in this subdivision, by utilizing any of the procedures for collection, levy, and lien of personal income tax set forth in article twenty-two of the tax law, any other relevant procedures referenced within the provisions of that article, and any other law as may be applicable, so far as practicable when recouping the exemption amount pursuant to this subdivision, except that:

(i) in order for the recoupment procedure to be considered timely, the notice required by subparagraph (ii) of this paragraph must be mailed no later than three years after the conclusion of the school year for which the exemption in question was granted, or in the case of an exemption that was granted for the two thousand twelve--two thousand thirteen school year, no later than September thirtieth, two thousand sixteen;

(ii) When the commissioner determines that a property is ineligible for a STAR exemption, notice of such determination and an opportunity for review thereof shall be provided in the manner set forth in subdivision four-b of this section.

(c) The amount to be recouped for each improperly received exemption shall have interest added at the rate prescribed by section nine hundred twenty-four-a of this chapter or such other law as may be applicable for each month or portion thereof since the levy of school taxes upon such assessment roll.

(d) In the event that a revocation of prior exemption pursuant to subdivision twelve of this section or a voluntary renunciation of the STAR exemption pursuant to section four hundred ninety-six of this article has occurred, the provisions of this subdivision shall not be applicable to the exemptions so revoked or voluntarily renounced.

15-a. Direct payments. Notwithstanding any provision of law to the contrary, when the commissioner finds that a property owner was eligible for the STAR exemption authorized by this section on an assessment roll, but the exemption was not taken into account in the calculation of the property owner's school tax bill due to an administrative error, and the property owner or his or her agent paid an excessive amount of school taxes on the property as a result, the commissioner is authorized to remit directly to the property owner the tax savings that the STAR exemption would have yielded if the STAR exemption had been taken into account in the calculation of that taxpayer's school tax bill. The amounts payable under this section shall be paid from the account established for the payment of STAR benefits to late registrants pursuant to subparagraph (iii) of paragraph (a) of subdivision fourteen of this section. Where such a payment has been made, neither the property owner nor his or her agent shall be entitled to a refund of the excessive amount of school taxes paid on account of the administrative error.

16. Transition to personal income tax credit. (a) Beginning with assessment rolls used to levy school district taxes for the two thousand sixteen--two thousand seventeen school year, no application for an exemption under this section may be approved unless at least one of the

applicants held title to the property on the taxable status date of the assessment roll that was used to levy school district taxes for the two thousand fifteen--two thousand sixteen school year and the property was granted an exemption pursuant to this section on that assessment roll. In the event that an application is submitted to the assessor that cannot be approved due to this restriction, the assessor shall notify the applicant that he or she is required by law to deny the application, but that, in lieu of a STAR exemption, the applicant may claim the personal income tax credit authorized by subsection (eee) of section six hundred six of the tax law if eligible, and that the applicant may contact the department of taxation and finance for further information. The commissioner shall provide a form for assessors to use, at their option, when making this notification. No STAR exemption may be granted on the basis of an application that is not approvable due to this restriction.

(b) Where property received an exemption pursuant to this section on an assessment roll used to levy school district taxes for the two thousand fifteen--two thousand sixteen school year, and at least one of its owners held title to the property on the taxable status date of such assessment roll, the exemption shall continue to be granted on subsequent assessment rolls without regard to the provisions of this subdivision as long as all applicable requirements of this section are satisfied. In addition, such exemption shall be subject to modification as follows:

(i) A basic STAR exemption shall be changed to an enhanced STAR exemption if the owners and spouses primarily residing on the property file a timely application showing that their ages and incomes meet the requirements of subdivision four of this section.

(ii) An enhanced STAR exemption shall be changed to a basic STAR exemption if the combined income of the owners and spouses primarily residing on the property increases above the limit set by subdivision four of this section, subject to the provisions of subparagraph (iii) of this paragraph, provided that if their combined income falls below the limit set by subdivision four of this section in the future, their enhanced STAR exemption may be resumed upon timely application.

(iii) A STAR exemption shall be discontinued if the combined income of the owners and spouses primarily residing on the property increases

above the limit set by subdivision three of this section, provided that if their income falls below such limit in the future, their STAR exemption may be resumed upon timely application.

(iv) A STAR exemption shall be permanently discontinued if the owners fail to satisfy the applicable residency or ownership requirement, or both.

(c) If the owners of a parcel that is receiving the STAR exemption authorized by this section want to claim the personal income tax credit authorized by subsection (eee) of section six hundred six of the tax law in lieu of such exemption, they may do so by switching to the credit in the manner provided by subdivision seventeen of this section. Alternatively, they may renounce that exemption and make any required payments in the manner provided by section four hundred ninety-six of this chapter. Any such switch to the credit or renunciation shall be irrevocable.

(d) Notwithstanding the foregoing provisions of this subdivision, where a property served as the primary residence of a married couple on the taxable status date of the assessment roll that was used to levy school district taxes for the two thousand fifteen--two thousand sixteen school year, but only one of the spouses held title to the property on that taxable status date, and that spouse has since died and his or her interest in the property has been inherited by his or her surviving spouse, the surviving spouse shall be entitled to apply for and receive an exemption under this section to the same extent as if he or she had held title to the property on that taxable status date.

(e) The provisions of this subdivision shall apply to all applications for STAR exemptions beginning with assessment rolls used to levy school district taxes for the two thousand sixteen--two thousand seventeen school year, including those submitted prior to the effective date of this subdivision. If any application was approved prior to the effective date of this subdivision that is not approvable hereunder, such approval shall be deemed void, and the assessor shall provide the applicant with the notice required by paragraph (a) of this subdivision, provided that if a STAR exemption is granted on a tentative or final assessment roll or tax roll on the basis of an application that is not approvable hereunder, the assessor, or other local official or officials having custody and control of such roll, is hereby authorized and directed to

remove such exemption from such roll without regard to the provisions of title three of article five of this chapter or any comparable laws governing the correction of administrative errors on assessment rolls and tax rolls, notwithstanding any provision of law to the contrary. If an application was submitted prior to the effective date of this subdivision but is not approvable hereunder, the applicant may apply for advance payment of the personal income tax credit authorized by subsection (eee) of section six hundred six of the tax law for the two thousand sixteen taxable year, if eligible, in the manner provided by paragraph ten of such subsection, even if the property was acquired prior to January first of the taxable year.

17. Switching to the STAR credit. (a) The commissioner shall develop procedures to enable property owners to switch from the STAR exemption to the STAR credit in as simple and expeditious a manner as practicable.

(b) Such procedures may allow STAR exemption recipients to switch to the STAR credit in the course of applying for the STAR credit. When an applicant does so, the commissioner shall advise the appropriate assessor as soon as practicable that such individual is switching or has switched to the STAR credit, that no further STAR exemptions may be granted to the property in question after the switch takes effect, and if appropriate, that the property's STAR exemption should be removed from the most recently filed assessment roll and/or the forthcoming assessment roll. The assessor or other party having custody and control of the assessment roll shall thereupon be authorized and directed to proceed accordingly.

(c) Such procedures may also set forth instances under which the commissioner may direct such a switch to the STAR credit to be deferred for one year, with the resulting differential, if any, to be added to the applicant's initial STAR credit. As used in this subdivision, the term "resulting differential" means the amount by which the STAR credit that the applicant did not receive due to the deferral of the switch exceeds the STAR exemption tax savings that the applicant did receive due to the deferral of the switch. The commissioner is specifically authorized to direct a switch to the STAR credit to be so deferred under the following circumstances:

(i) A STAR credit switch may be deferred if the application for the

credit is submitted after a cutoff date set by the commissioner. When setting a cutoff date, the commissioner shall take into account the time required to ensure that the STAR exemptions of all STAR credit applicants in the assessing unit will be removed before school tax bills are prepared. The commissioner shall specify the applicable cutoff dates after taking into account local assessment calendars, provided that different cutoff dates may be set for municipalities with different assessment calendars, and provided further that any such cutoff date may be no earlier than the fifteenth day prior to the date on which the applicable final assessment roll is required by law to be completed and filed.

(ii) A STAR credit switch may be deferred if the application is submitted after school tax bills have been prepared, but before the first day of January of the following year, or such later date as the commissioner shall establish.

(iii) A STAR credit switch may be deferred if the applicant's STAR exemption is not removed from the applicable assessment roll in a timely manner due to inadvertence or other reasons.

(d) Such procedures may also provide that Basic STAR exemption recipients whose incomes exceeds the limit applicable to that exemption may be automatically enrolled in and switched to the Basic STAR credit if their incomes do not exceed the limit applicable to that credit. Each affected individual shall be notified of the switch as soon as practicable. Each such notice shall also advise the individual either that the commissioner has determined that the individual is eligible for the credit, or that the individual must furnish additional information to enable the commissioner to determine the individual's eligibility, as the case may be. In either case, once the individual receives a STAR credit check and deposits or endorses it, he or she shall be deemed to have consented to the switch and shall not be permitted to switch back to the exemption.

§ 425-a. Abatement of county taxes in special assessing units. 1. Local option. The local legislative body of a county that is a special assessing unit may provide by local law for the partial abatement of county taxes pursuant to this section. Such abatement shall apply to

assessment rolls beginning with the roll finally completed in the year two thousand two, and continuing through and including the roll finally completed in the year two thousand twenty-eight unless such local law is sooner repealed.

2. Eligible property. The property of a senior citizen that qualifies for and receives the enhanced exemption pursuant to subdivision four of section four hundred twenty-five of this title shall be qualified to receive the abatement provided by this section.

3. Procedure. A separate application shall not be required for the abatement. The assessor of such special assessing unit shall compute and apply the abatement when extending the tax on eligible property. Eligibility for such abatement shall be determined annually; a property that becomes eligible for a year subsequent to the initial year in which such abatement is authorized by local law shall receive the abatement for such subsequent year and for each year thereafter while it remains eligible and until the authorization for the abatement expires. If the enhanced exemption granted pursuant to subdivision four of section four hundred twenty-five of this title is later discontinued or revoked, the abatement given pursuant to this section shall likewise be discontinued or revoked. If eligibility for the abatement or the amount of the abatement changes after the extension of taxes, the assessor shall notify the official responsible for the collection or refund of taxes, who shall calculate and impose or refund the difference in taxes accordingly.

4. Computation of abatement by local legislative body. (a) The abatement given pursuant to this section shall eliminate all or part of the tax that results from any increase in the general county tax rate applicable to the assessment roll finally completed in calendar year two thousand two as compared to the tax rate applicable to the assessment roll finally completed in calendar year two thousand one. It shall not limit increases in tax that result from changes in the full value or taxable value of property or from subsequent tax rate increases or increases in taxes other than the general county tax.

(b) The general county tax extended on an eligible parcel shall be

abated by the abatement amount, which shall be calculated by multiplying the taxable assessed valuation, after application of all exemptions for which such parcel is eligible for general county tax purposes, by the abatement tax rate determined pursuant to this subdivision, provided that the abatement shall not exceed the general county tax otherwise chargeable to such eligible parcel.

(c) The local legislative body shall determine separate abatement tax rates for each class of property, each roll year and each portion of the county for which a general county tax rate is determined. The abatement rate shall be the base abatement tax rate calculated pursuant to this subdivision multiplied by the abatement ratio.

(d) The abatement ratio shall be set forth in the local law, as it may be amended from time to time, which adopts the abatement authorized by this section. Such ratio shall be one-half if no other ratio is specified in the local law. In no event shall the abatement ratio be greater than one.

(e) For the general county tax levied on the assessment roll finally completed in calendar year two thousand two, the base abatement tax rate for a class shall be the general county tax rate for such class applicable to such assessment roll, less the tax rate for such class for the roll finally completed in calendar year two thousand one.

(f) In each subsequent year the base abatement tax rate shall be adjusted to account for changes in the level of assessment by multiplying the base abatement tax rate calculated pursuant to paragraph (e) of this subdivision by the ratio between the class equalization rate for such class for the roll completed in calendar year two thousand two and the class equalization rate for such class for the assessment roll for such subsequent year.

(g) If the equalized tax rate for a class in any year is less than the equalized tax rate for the roll finally completed in calendar year two thousand two but more than the rate for the roll completed in calendar year two thousand one, the base abatement tax rate shall be recalculated by dividing the difference between such equalized tax rates by the class equalization ratio for the roll year of the taxes to be abated.

(h) If the equalized tax rate for a class and roll year after calendar year two thousand two is less than the equalized tax rate for the roll completed in calendar year two thousand one, no abatement shall be

granted for property in such class for such roll year.

(i) For purposes of this section, "class" shall have the meaning provided by section eighteen hundred two of this chapter and "class equalization rate" shall have the meaning provided by section twelve hundred two of this chapter. The term "equalized tax rate" shall mean the general county tax rate for a class and roll year multiplied by the class equalization rate for such class and year.

5. Cooperative apartment corporations, trailers and mobile homes. The abatement authorized by this section shall apply to taxes on real property owned by a cooperative corporation and to trailers and mobile homes to the extent such taxes are attributable to the property of eligible shareholders or owners and shall be credited against the taxes or rent otherwise payable by or chargeable to such eligible individuals in the same manner as is provided for the exemption given by section four hundred twenty-five of this title.

6. Retroactive implementation. A local law adopted pursuant to this section may provide that benefits shall be given retroactively in respect to all or specified assessment rolls finally completed in or after the year two thousand two. Such local law may provide that the assessor of such special assessing unit shall apply the retroactive abatement as a credit against current taxes for one or more years or may authorize the chief financial officer of the county to refund the excess taxes collected without interest in one or more installments over a period of one or more years.

§ 426. Opera houses. Real property owned by any corporation whose certificate of incorporation is approved by the commissioner of education and which is organized to sustain, encourage and promote musical art and to educate the general public in good music, provided moneys donated to such corporation as a result of popular or general appeal shall have been used for the acquisition thereof and provided further that such real property shall be maintained for the production of opera and for furthering the purposes for which such corporation was organized by providing operatic and musical performances and other

related educational activities, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this article, as provided for corporations in section four hundred twenty-a of this article although a portion thereof is leased for public performances, opera, ballet, concerts, lectures, meetings, graduation exercises or other educational or non-commercial uses for the purposes of income, if such income is necessary for and actually applied to the maintenance and support of such corporation.

§ 427. Performing arts buildings. Real property owned by any corporation whose certificate of incorporation is approved by the commissioner of education and which is organized to sustain, encourage and promote musical and performing art, including opera, concerts, ballet, drama and other forms of artistic expression, and to educate the general public in good musical and performing art, provided the land was acquired by a municipal corporation by purchase or condemnation and sold at public auction to such corporation in order to insure clearance, replanning, reconstruction and neighborhood rehabilitation, provided further that monies donated to such corporation by other charitable or educational corporations or as a result of popular or general appeal shall have been used for the acquisition of such real property and provided further that such real property shall be used for the production of musical and performing art and for furthering the purposes for which such corporation was organized by providing operatic, musical and dramatic performances and other related educational activities either directly by such corporation or indirectly by leasing or otherwise making such real property or portions thereof available for the use of other corporations organized on a non-profit basis and without capital stock and to educate the general public in, or to foster interest in, good musical or performing art and for one or more of the purposes for which the owner corporation is organized, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this article, as provided for corporations in section four hundred twenty-a of this article, although a portion or portions of such real

property are, from time to time, leased or used for public performances, theatrical performances, opera, ballet, concerts, lectures, meetings, graduation exercises or other related educational or non-commercial uses for the purposes of income, if such income is necessary for and actually applied to the maintenance and support of the owner corporation or such other corporation organized on a non-profit basis and without capital stock and provided that such leasing or use for any such purpose is not the principal purposes to which the use of such real property is put by the owner corporation or by such other corporation organized on a non-profit basis and without capital stock.

§ 428. Fraternal organizations; entire net income for education and relief of members. Real property owned by any fraternal corporation, association or body created to build and maintain a building or buildings for its meeting or meetings of the general assembly of its members or subordinate bodies thereof and for the accommodation of other fraternal corporations, associations or bodies, the entire net income of which real property is exclusively applied or to be used to build, furnish and maintain one or more asylums, homes or schools for the free education or relief of its members or for the relief, support and care of the worthy and indigent members thereof, their spouses, surviving spouses or orphans, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter.

§ 429. Real property used for professional major league sports. Real property within a city having a population of one million or more, used by both a professional major league hockey team which is a member of the National Hockey League and a professional major league basketball team which is a member of the National Basketball Association to play their home games shall be exempt from taxation to the extent said taxes are the obligation by lease or otherwise of the owners of franchises for such teams, provided that such owners enter into a written agreement with the chief executive officer of the municipality in which such property is located to play their home games within such municipality

for a period of at least ten consecutive years. The tax exemption provided herein shall be granted to real property being used, in whole or in part, for the aforesaid purposes on the date such agreement is executed and shall apply to taxes which become due and payable after the aforestated agreement is executed and shall continue with respect to such property as long as both of said teams play their home games therein and no longer. Such exemption shall not apply with respect to any improvement to such property made after the date such agreement is executed which improvement is not used for the provision of facilities or services related to sports, entertainment, expositions, conventions or trade shows. If one or both of said teams shall cease to play their home games in said property at any time, the tax exemption provided herein shall cease immediately and such property shall immediately be restored to the tax rolls and thereupon become subject to taxation and shall be taxed pro rata for the unexpired portion of the taxable year.

§ 430. Interdenominational centers. 1. Real property owned by a corporation organized for the purposes of establishing an interdenominational center to assist in the work of and to promote cooperation among various religious denominations, and to acquire or erect a building or buildings for such center and to lease a portion or portions thereof for the use of religious, educational, missionary and charitable corporations or associations, or real property leased to a corporation organized for such purposes by a corporation organized for purposes which are exempt under this section or section four hundred twenty-a, four hundred twenty-b, four hundred twenty-two, four hundred twenty-four, four hundred twenty-six or four hundred twenty-eight of this chapter, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this article, to the same extent and subject to the same conditions and exceptions as property of a corporation organized exclusively for religious, educational, missionary or charitable purposes.

2. In addition to any other rental moneys allowed to be charged for such use, with the consent of each corporation or association that

leases a portion of such real property, the interdenominational center may require each such lessee to make payment on an annual basis to a capital improvement fund, the funds to be used exclusively for capital improvements, as defined in this subdivision, in accordance with a capital improvement plan adopted or updated annually by the interdenominational center. For purposes of this section, "capital improvement" shall mean any addition to, replacement of, or remodeling of physical plant, structures, or equipment now or hereafter owned by an interdenominational center, which is used or is to be used in connection with the operation of the interdenominational center, and which shall include improvements to land, but not land itself.

§ 432. Theatrical corporations created by act of congress. 1. Real property owned by a corporation created by an act of the congress of the United States on a non-profit basis and without capital stock, and organized and used exclusively for the purposes of stimulating public interest in the drama as an art, presenting theatrical productions, advancing interest in the drama by furthering the production of plays, furthering the study of the drama, and sponsoring, encouraging and developing the art and technique of the theatre through the operation of a school and which was acquired with moneys donated to such corporation as a result of popular or general appeal shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this article, as provided for corporations in subdivisions one and four of section four hundred twenty-a of this article except as hereinafter provided.

2. Such real property shall be fully exempt although (a) it or a portion thereof is leased or otherwise used by another corporation, organized for purposes which are exempt pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred twenty-two, four hundred twenty-four, four hundred twenty-six, four hundred twenty-eight or four hundred thirty of this article and for one or more of the purposes for which the owner corporation is organized, as long as such real property or portion thereof as the case may be is devoted to such uses and as long as any moneys paid for such use do not exceed the amount of

carrying, maintenance and depreciation charges of the property or portion thereof as the case may be or (b) the auditorium located thereon is leased or otherwise used for public performances, theatrical presentations, opera, ballet, concerts, lectures, meetings, graduation exercises and educational non-commercial uses for the purposes of income, if such income is necessary for and actually applied to the maintenance and support of such owner corporation and such is not used for the acquisition of additional real property in this state.

3. An exemption granted pursuant to this section shall not exceed one million five hundred thousand dollars.

§ 434. Academies of music. The financial board of any city having a population of one hundred seventy-five thousand or more according to the latest federal census may by resolution exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter, all or any part of the real property consisting of, and owned by a corporation or association organized to maintain, an academy of music, if, in the opinion of such board, the interest of such city requires the maintenance of such academy of music and it appears that the property was purchased with the proceeds of popular or general subscription. No such exemption shall be granted for any year if it appears that the corporation or association during the preceding year earned a net annual income upon the net cost of such academy and the furniture thereof.

§ 436. Officers of religious denominations. (1) Real property held in trust by a clergyman or minister of a religious denomination for the benefit of the members of his or her incorporated church or unincorporated church shall be entitled to the same exemption from taxation, special ad valorem levies and special assessments as authorized by section four hundred twenty-a of this article; provided that such real property shall satisfy all the conditions and exceptions set forth therein including that the property so held be used exclusively for one or more of the purposes enumerated in paragraph (a)

of subdivision one of section four hundred twenty-a of this article.

(2) An exemption may be granted pursuant to this section only upon application by the owner of the property on a form prescribed or approved by the commissioner. The application shall be filed with the assessor of the appropriate county, city, town or village on or before the taxable status date of such county, city, town or village.

(3) For purposes of this section, "clergyman", "minister", "incorporated church" and "unincorporated church" shall be defined as in section two of the religious corporations law.

§ 438. Trustees of a hospital, playground and library; hospital for benefit of a city. 1. Real property held by trustees named in a will or deed of trust or appointed by the supreme court of the state of New York for hospital, public playground and library purposes, as set forth in sections four hundred twenty-a and four hundred twenty-b of this article, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this article, to the same extent and subject to the same conditions and exceptions as if owned by a corporation.

2. Real property held for hospital purposes in the name of a corporation organized for the purpose of managing and controlling a hospital for the use and benefit of a city shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this article, to the same extent and subject to the same conditions and exceptions as property of a corporation organized exclusively for hospital purposes.

§ 440. Infant homes. Real property owned by any infant home corporation actually dedicated and used by such corporation exclusively as a place for the free maintenance, care and recreation of children of the age of six years and under, shall be exempt from taxation, special ad valorem levies and special assessments.

§ 442. Soldiers monument corporations. Real property owned by a soldiers monument corporation shall be entitled to the exemption provided in the not-for-profit corporation law.

§ 444. Historical societies. Real property owned by a historical society acquired for the purpose of inclosure, preservation and the erection of monuments shall be entitled to the exemption provided in the not-for-profit corporation law.

§ 444-a. Historic property. 1. Real property altered or rehabilitated subsequent to the effective date of a local law or resolution adopted pursuant to this section shall be exempt from taxation and special ad valorem levies as herein provided. After a public hearing, the governing body of a county, city, town or village may adopt a local law and a school district, other than a school district governed by the provisions of article fifty-two of the education law, may adopt a resolution to grant the exemption authorized pursuant to this section. A copy of such law or resolution shall be filed with the commissioner and the assessor of such county, city, town or village who prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

2. (a) Historic property shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

year of exemption	percent of exemption
1	100
2	100
3	100
4	100
5	100
6	80
7	60
8	40
9	20

(b) No such exemption shall be granted for such alterations or rehabilitation unless:

(i) Such property has been designated as a landmark, or is a property that contributes to the character of an historic district, created by a local law passed pursuant to section ninety-six-a or one hundred nineteen-dd of the general municipal law;

(ii) Alterations or rehabilitation must be made for means of historic preservation;

(iii) Such alterations or rehabilitation of historic property meet guidelines and review standards in the local preservation law;

(iv) Such alterations or rehabilitation of historic property are approved by the local preservation commission prior to commencement of work;

(v) Alterations or rehabilitation are commenced subsequent to the effective date of the local law or resolution adopted pursuant to this section.

3. Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the commissioner. The application shall be filed with the assessor of the county, city, town or village having power to assess property for taxation on or before the appropriate taxable status date of such county, city, town or village.

4. Such exemption shall be granted where the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section. The assessor shall approve such application and such property shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. A county, city, town or village by local law or a school district

by resolution may:

(a) Reduce the per centum of exemption otherwise allowed pursuant to this section; and

(b) Limit eligibility for the exemption to those forms of alterations or rehabilitation as are prescribed in such local law or resolution.

§ 446. Cemeteries. 1. Real property actually and exclusively used for cemetery purposes shall be exempt from taxation and exempt from special ad valorem levies and special assessments.

2. In addition to the exemption provided in subdivision one of this section, unimproved land, which is not presently used for cemetery purposes, but in which interments are reasonably and in good faith anticipated, shall be exempt from taxation, special ad valorem levies and special assessments. An exemption pursuant to this subdivision shall be granted only upon application by the owner of the property on a form prescribed by the commissioner. The application shall be filed with the assessor of the appropriate county, city, town or village on or before the taxable status date of such county, city, town or village.

3. The term "cemetery purposes", as used in this section shall mean land and buildings, whether privately or publicly owned or operated, used for the disposal or burial of deceased human beings, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle. Such term shall also include land and buildings actually used and essential to the providing of cemetery purposes including, but not limited to, the on site residence of a full-time caretaker and a storage facility for necessary tools and equipment.

4. No real property shall be entitled to receive an exemption pursuant to this section if the owner or operator of such real property or any officer, member or employee thereof, shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, other than reasonable compensation for services performed, or, if the ownership or operation is a guise or pretense for directly or indirectly making any other pecuniary profit for such owner or operator or for any

of its officers, members or employees.

§ 450. Agricultural societies. Real property owned by an agricultural society and permanently used by it for a meeting hall or exhibition grounds shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter. For the purposes of this section, the Grange Order of the Patrons of Husbandry shall be deemed to be an agricultural society.

§ 452. Veterans organizations. 1. Real property owned by a corporation, association or post composed of veterans of the Grand Army of the Republic, Veterans of Foreign Wars, Disabled American Veterans, the United Spanish War Veterans, the Jewish War Veterans of the United States, Inc., Catholic War Veterans, Inc., the American Legion, AMVETS, American Veterans of World War II, Italian American War Veterans of the United States, Incorporated, Masonic War Veterans of the State of New York, Incorporated, Vietnam Veterans of America and any other corporation or association of veterans of the armed forces of the United States in any war, actually and exclusively used and occupied by such corporation, association or post shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter.

2. (a) Such real property shall be so exempt although it or a portion thereof is used by another corporation or association whose real property would be entitled to an exemption pursuant to any section in titles one or two of this article except sections four hundred eight, four hundred forty, four hundred sixty-six or four hundred seventy-eight, if such corporation or association itself owned such real property, as long as any moneys paid to the owning corporation, association or post by the using corporation or association do not exceed the amount of carrying, maintenance and depreciation charges of the property or portion thereof, as the case may be.

(b) If a portion of such real property is actually and exclusively

used by any person whose real property would not be so entitled to an exemption, such portion shall be subject to taxation, special ad valorem levies and special assessments and the remaining portion only shall be exempt as provided herein subject to the provisions of paragraph (c) of this subdivision.

(c) The portion of real property which would otherwise be subject to taxation, special ad valorem levies and special assessments under paragraph (b) of this subdivision shall be exempt therefrom for purposes of any municipal corporation in which such property is located only if the governing body of such municipal corporation, after a public hearing, adopts a local law, ordinance or resolution so providing.

3. Real property owned by a soldiers' monument corporation organized pursuant to section fourteen hundred five of the not-for-profit corporation law shall be eligible for full or partial exemption from taxation as provided in this section if:

(a) such property is not used in such manner as entitles it to exemption pursuant to section four hundred forty-two of this chapter, and

(b) the membership of such corporation is composed of specified veterans as provided in subdivision one of this section, and

(c) such property is, notwithstanding any provision of such corporation's certificate of incorporation to the contrary, actually and exclusively used and occupied by such corporation in a manner otherwise entitling it to exemption under subdivision one or two of this section.

§ 454. Indians. The real property in any Indian reservation owned by the Indian nation, tribe or band occupying them shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter.

§ 455. Exemption option. Notwithstanding any provision of this title to the contrary, real property owned by one or more persons where one of such owners qualifies for a real property tax exemption pursuant to

section four hundred fifty-nine-c or four hundred sixty-seven of this title, and another of such owners qualifies for a different tax exemption pursuant to such sections of this title, such owners shall have the option of choosing the one exemption which is most beneficial to such owners. Such owners shall not be prohibited from taking one such exemption solely on the basis that such owners qualify for more than one exemption and therefore are not eligible for any exemptions.

§ 456. Municipal railroads. Real property held and used for railroad purposes by any corporation, all of the capital stock of which is owned by a municipal corporation of this state, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter.

§ 457. Exemption for first-time homebuyers of newly constructed homes.

1. Newly constructed primary residential property purchased by one or more persons, each of whom is a first-time homebuyer and has not been married to a homeowner in the three years prior to applying for this first-time homeowners exemption, shall be exempt from taxation levied by or on behalf of any county, city, town, village or school district in which such newly constructed residential property is located, provided the legislative body or governing board of such county, city, town or village, after public hearing, adopts a local law, or a school district, other than a school district to which article fifty-two of the education law applies, adopts a resolution providing therefor. The length of such exemption shall be set forth in such local law or resolution, but in no event shall it exceed five years.

Such exemption shall be computed in accordance with the following table:

Year of Exemption	Percentage assessed Valuation exempt from tax
1	50
2	40
3	30
4	20
5	10

A copy of such local laws or resolutions shall be filed with the commissioner and the assessor of such county, city, town, or village who prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

2. (a) Any newly constructed primary residential real property within the purchase price limits defined by the state of New York mortgage agency low interest rate mortgage program in the non-target, one family new category for the county where such property is located and in effect on the contract date for the purchase and sale of such property, shall be eligible for the exemption allowed pursuant to this section.

(b) A first-time homebuyer who either as part of the written contract for sale of the primary residential property, or who enters into a written contract within ninety days after closing of the sale of the primary residence for reconstruction, alteration or improvements, the value of which exceeds three thousand dollars, to the primary residential property shall be exempt from taxation to the extent provided by this section. Such exemption shall apply solely to the increase in assessed value thereof attributable to such reconstruction, alteration or improvement provided that the assessed value after reconstruction, alteration, or improvements does not exceed fifteen percent more than the purchase price limits as defined in paragraph (a) of this subdivision. For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

(c) A first-time homebuyer shall not qualify for the exemption authorized pursuant to this section if the household income exceeds income limits defined by the state of New York mortgage agency low interest rate mortgage program in the non-target, one and two person household category for the county where such property is located and in effect on the contract date for the purchase and sale of such property.

(i) The term "household income" as used herein shall mean the total combined income of all the owners, and of any owners' spouses residing on the premises, for the income tax year preceding the date of making application for the exemption.

(ii) The term "income" as used herein shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's latest available federal or state income tax return subject to any subsequent amendments or revisions, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity; provided that if no such return was filed within the one year period preceding taxable status date, "income" shall mean the adjusted gross income that would have been so reported if such a return had been filed. For purposes of this subdivision, "latest available return" shall mean the federal or state income tax return for the year immediately preceding the date of making application, provided however, that if the tax return for such tax year has not been filed, then the income tax return for the tax year two years preceding the date of making application shall be considered the latest available.

3. Newly constructed primary residential property purchased by first-time homebuyers at a sales price greater than the maximum eligible sales price shall qualify for the exemption allowed pursuant to this section for that portion of the sales price of such newly constructed primary residential property equal to the maximum eligible sales price, provided, however, that any newly constructed primary residential property purchased at a sales price greater than fifteen percent above the maximum eligible sales price shall not be allowed any exemption.

4. The legislative body or governing board of a county, city, town or village may adopt a local law, or a school district, other than a school district to which article fifty-two of the education law applies may adopt a resolution to provide for an increase not to exceed twenty-five per centum on the purchase price limit used for eligibility for the exemption provided for in this section.

5. No exemption shall be allowed pursuant to this section for any newly constructed primary residential property purchased by a first-time homebuyer on or after December thirty-first, two thousand twenty-eight, unless such purchase is pursuant to a binding written contract entered into prior to December thirty-first, two thousand twenty-eight.

Provided, however, that any first-time homebuyer who is allowed an exemption pursuant to this section prior to such date shall continue to be allowed further exemptions pursuant to subdivision one of this section.

6. (a) No portion of a single family newly constructed primary residential property shall be leased during the period of time when the first-time homeowner exemption shall apply to the residence. If any portion of the single family newly constructed primary residential property is found to be the subject of a lease agreement the assessor shall discontinue any exemption granted pursuant to this section.

(b) In the event that a primary residential property granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall be discontinued.

(c) Upon determining that an exemption granted pursuant to this section should be discontinued, the assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by section five hundred ten of this chapter. Such owner or owners shall be entitled to seek administrative and judicial review of such action in the manner provided by law, provided that the burden shall be on such owner or owners to establish eligibility for the exemption.

7. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village and county.

8. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such primary residential property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable

status date referred to in subdivision seven of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

9. For purposes of this section: (a) "first-time homebuyer" means a person who has not owned a primary residential property and is not married to a person who has owned a residential property during the three-year period prior to his or her purchase of the primary residential property, and who does not own a vacation or investment home.

(b) "Primary residential property" means any one or two family house, townhouse or condominium located in this state which is owner occupied by such homebuyer.

(c) "Newly constructed" means an improvement to real property which was constructed as a primary residential property, and which has never been occupied and was constructed after the effective date of this section. "Newly constructed" shall also mean that portion of a primary residential property that is altered, improved or reconstructed.

§ 457-a. Exemption for eligible residential property transferred to a low-income household. 1. As used in this section:

(a) "Nonprofit housing organization" means a nonprofit organization exempt from certain taxes pursuant to section 501(c)(3) or section 501(c)(4) of the United States internal revenue code and/or that is incorporated under the not-for-profit corporation law whose primary purpose is the construction or renovation of residential affordable housing for conveyance to households that meet certain income requirements.

(b) "Community land trust" means a nonprofit organization exempt from certain taxes pursuant to section 501(c)(3) or section 501(c)(4) of the United States internal revenue code and/or that is incorporated under the not-for-profit corporation law whose primary purpose is to provide affordable housing by owning land and leasing or selling residential housing situated on that land to households that meet certain income requirements.

(c) "Land bank" means an entity created in accordance with article sixteen of the not-for-profit corporation law.

(d) "Qualified low-income household" means a household with an income upon initial occupancy of the residential property of not more than eighty percent of the area median income, as annually defined by the United States department of housing and urban development, and which has agreed to occupy such residential property as a primary residence. A nonprofit housing organization, community land trust, land bank, or appropriate governmental entity shall certify that a household meets the income and residency criteria to be considered a qualified low-income household and shall determine the income and assets that shall be used to determine a household's income for eligibility purposes.

2. (a) Residential real property subject to a restrictive covenant or declaration, legal requirement, regulatory agreement or other contractual obligation with a governmental entity, nonprofit housing organization, or land bank, and transferred to a qualified low-income household, or where the land is transferred to a community land trust and the residential building situated on the land is or will be leased or sold to a qualified low-income household, shall be exempt as provided in paragraph (b) of this subdivision from taxation levied by or on behalf of any county, city, town, village or school district in which such residential real property is located, provided the legislative body or governing board of such county, city, town or village, after public hearing, adopts a local law, or a school district, other than a school district to which article fifty-two of the education law applies, adopts a resolution opting in to this subdivision.

(b) The real property tax exemption authorized pursuant to paragraph (a) of this subdivision shall be an amount that is not less than twenty-five percent nor more than seventy-five percent of the assessed value of the residential real property.

(c) A copy of any local law or resolution adopted pursuant to paragraph (a) of this subdivision shall be filed with the assessor of the county, city, town, or village that prepares the assessment roll on which the taxes of such county, city, town, village, or school district are levied.

3. (a) The exemption granted pursuant to this section shall be discontinued if the property granted such exemption:

(i) ceases to be used primarily for residential purposes; or

(ii) ceases to be used as a primary residence; or

(iii) is transferred to another person or entity, other than to any heirs or distributees of the owner that meet the requirements of being a qualified low-income household at the time of such transfer.

(b) Upon determining that an exemption granted pursuant to this section should be discontinued, the assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by section five hundred ten of this chapter. Such owner or owners shall be entitled to seek administrative and judicial review of such action in the manner provided by law, provided that the burden shall be on such owner or owners to establish eligibility for the exemption.

4. Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. The application shall be filed with the assessor of the county, city, town, or village having the power to assess property for taxation on or before the appropriate taxable status date of such county, city, town, or village.

5. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application, and such residential property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision four of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

§ 458. Veterans. The following property shall be exempt from taxation:

1. All property exempt by law from execution, other than an exempt homestead. But real property purchased with the proceeds of a pension,

bonus or insurance, or dividends or refunds on such insurance, or payments received as prisoner of war compensation from the United States government, heretofore or hereafter received, hereinafter referred to as eligible funds, granted by the United States or by this state for military or naval services, and owned by the person who rendered such services, or by the spouse or unremarried surviving spouse, or dependent father or mother, or the children under twenty-one years of age of such person is subject to taxation as herein provided.

(1) Such property shall be assessed in the same manner as other real property in the tax districts. On or before the appropriate taxable status date, a verified application on a form prescribed or approved by the commissioner for the exemption of such real property from taxation may be filed in the appropriate assessor's office by or on behalf of the owner thereof, which application must show the facts on which the exemption is claimed, including the amount of eligible funds used in or toward the purchase of such property.

(2) Except as provided in subdivision five of this section, no such exemption on account of eligible funds paid on account of military or naval services rendered by an individual shall be allowed in excess of seven thousand five hundred dollars. For the purposes of this subdivision any established exemption, or newly claimed exemption, or an aggregate thereof, as the case may be, in excess of any multiple of fifty dollars shall be regarded as being the nearest multiple of fifty dollars and allowed in such amount. If the amount of such exemption has no nearest multiple of fifty dollars, it shall be regarded as being the next higher multiple of fifty dollars and allowed in such amount. The mingling of such eligible funds with other funds or their retention by the United States for insurance premiums shall not bar the granting of a claim for such exemption.

(3) If the assessors are satisfied that the applicant is entitled to any exemption, they shall make appropriate entries upon the assessment-roll opposite the description of such property and subtract the total amount of such exemption from the total amount assessed pursuant to the provisions of paragraph one of this subdivision. Such entries shall be made and continued in each assessment of the property so long as it is exempt from taxation for any purpose. Such real property, to the extent of the exemption entered by the assessors, shall

be exempt from state, county and general municipal taxation. The governing body of a school district in which such property is located or, in the case of a city with a population of one million or more, the local legislative body, may, after public hearings, adopt a local law, ordinance or resolution providing for an exemption for local school purposes. The provisions herein, relating to the assessment and exemption of property purchased with eligible funds apply and shall be enforced in each municipal corporation authorized to levy taxes.

(4) If the application for exemption is not granted, the property shall be subject to taxation for all purposes.

(5) Notwithstanding the provisions of this section or any other provision of law, in any city with a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth day of March of the appropriate year.

2. Real property purchased with moneys collected by popular subscription in partial recognition of extraordinary services rendered by any veteran of world war one, world war two, or of the hostilities which commenced June twenty-seventh, nineteen hundred fifty, who (a) was honorably discharged from such service, or (b) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and who sustained permanent disability while on military duty, either total or partial, and owned by the person who sustained such injuries, or by his or her spouse or unremarried surviving spouse, or dependent father or mother, is subject to taxation as herein provided. Such property shall be assessed in the same manner as other real property in the tax district. At the meeting of the assessors to hear complaints concerning the assessments, a verified application for the exemption of such real property from taxation may be presented to them by or on behalf of the owner thereof, which application must show the facts on which the exemption is claimed, including the amount of moneys so raised and used in or toward the purchase of such property. No exemption on account of

any such gift shall be allowed in excess of five thousand dollars. The application for exemption shall be presented and action thereon taken in the manner provided by subdivision one of this section. If no application for exemption be granted, the property shall be subject to taxation for all purposes. The provisions herein, relating to the assessment and exemption of property purchased with moneys raised by popular subscription, apply and shall be enforced in each municipal corporation authorized to levy taxes.

3. In addition to any exemption from taxation on real property which may be allowed to veterans pursuant to the provisions of subdivisions one and two of this section, the primary residence of any seriously disabled veteran who is eligible for pecuniary assistance from the United States government, or who has received pecuniary assistance from the United States government and has applied such assistance toward the acquisition or modification of a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and the necessary land therefor, shall be fully exempt from taxation and special district charges and assessments and special ad valorem levies. The same exemption shall also be allowed on such a housing unit owned by the unremarried surviving spouse of such veteran, or by such veteran and spouse while occupying such premises as a residence. The unremarried surviving spouse of such veteran may transfer the exemption to any new housing unit to be used as his or her primary residence. If an exemption has already been granted pursuant to the provisions of subdivisions one and two of this section, application for a further exemption as herein provided may be made and action taken thereon in the same manner as set forth in subdivision one of this section.

4. The definitions set forth in section one hundred two of this chapter shall not apply to this section and the terms used in this section shall have the same meaning as they had prior to the enactment of this chapter.

4-a. For the purposes of this section, the term "military or naval services" shall be deemed to also include service: (a) by a person who

was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the department of defense; (b) service by a United States civilian employed by the American Field Service who served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service; or (c) service by a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates who served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT

veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

5. (a) Notwithstanding the limitation on the amount of exemption prescribed in subdivision one or two of this section, upon adoption of a local law by the governing board of a county, city, town, village, school district or, in the case of a city with a population of one million or more, the local legislative body, that levies taxes or for which taxes are levied on an assessment roll, if the total assessed value of the real property for which such exemption has been granted increases or decreases as the result of a revaluation or update of assessments, and a material change in level of assessment, as provided in title two of article twelve of this chapter, is certified for the assessment roll pursuant to the rules of the commissioner, the assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by the change in level of assessment factor. If the assessor receives the certification after the completion, verification and filing of the final assessment roll, the assessor shall certify the amount of exemption as recomputed pursuant to this paragraph to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll.

(b) Notwithstanding the provisions of paragraph (b) of subdivision six of this section, in municipalities granting exemptions pursuant to section four hundred fifty-eight-a of this article, a local law adopted pursuant to paragraph (a) of this subdivision may also authorize owners of property who previously received an exemption pursuant to this section, but who opted instead to receive exemption pursuant to section four hundred fifty-eight-a, to again receive an exemption pursuant to this section upon application by the owner within one year of the adoption of such local law. Where such provision is included in the local law, the assessor shall recompute all exemptions granted pursuant to this section by multiplying the amount of each such exemption by the cumulative change in level of assessment factor certified by the commissioner measured from the assessment roll immediately preceding the assessment roll on which exemptions were first granted pursuant to

section four hundred fifty-eight-a; provided, however, that if an exemption pursuant to this section was initially granted to a parcel on a later assessment roll, the cumulative change in level factor to be used in recomputing that exemption shall be measured from the assessment roll immediately preceding the assessment roll on which that exemption was initially granted. No refunds or retroactive entitlements shall be granted.

(c) Notwithstanding the provisions of subdivision four of this section, terms used in this subdivision shall be subject to the definitions of section one hundred two of this chapter. For special assessing units, the change in level of assessment factor to be used for purposes of this subdivision is the municipal-wide change in level of assessment factor determined for the class in which the property subject to exemption is included.

(d) (i) For the purposes of this paragraph (d), a "recompute exemption" means the sum of the original exemption and any additional eligible funds received multiplied by the change in level of assessment from the assessment roll in the year the exemption was originally granted.

(ii) An assessing unit which finally files a change in level of assessment roll in or after the calendar year nineteen hundred ninety-eight may, pursuant to local law, ordinance or resolution adopted by the governing board of a county, city, town, village, school district or, in the case of a city with a population of one million or more, the local legislative body, that levies taxes or for which taxes are levied on an assessment roll, grant to every veteran who is entitled to any additional eligible funds a recompute exemption in lieu of the exemption otherwise authorized by this subdivision. Such recompute exemption may be granted on any change in level of assessment roll filed in or after calendar year nineteen hundred ninety-eight. A local law adopted pursuant to this paragraph shall not be subject to referendum.

6. (a) (i) Except as otherwise provided in subparagraph (ii) of this paragraph, no new exemption may be granted pursuant to subdivision one or former subdivision five of this section on an assessment roll based upon a taxable status date occurring on or after March second, nineteen hundred eighty-six, except for purposes of taxes levied by or on behalf

of a county, city, town or village that has enacted and has in effect a local law as provided in paragraph (a) of subdivision four of section four hundred fifty-eight-a of this title. Notwithstanding the foregoing, the owner of real property receiving an exemption pursuant to subdivision one or former subdivision five of this section prior to March second, nineteen hundred eighty-six may continue to receive the exemption on the property to which it is applicable.

(ii) In any city with a population of one million or more, no new exemption may be granted pursuant to subdivision one or former subdivision five of this section on an assessment roll based upon a taxable status date occurring on or after January sixth, nineteen hundred eighty-five, except for purposes of taxes levied by or on behalf of such city that has enacted and has in effect a local law as provided in subdivision four of section four hundred fifty-eight-a of this chapter. Notwithstanding the foregoing provisions of this subparagraph, the owner of real property receiving an exemption pursuant to subdivision one or former subdivision five of this section prior to January sixth, nineteen hundred eighty-five may continue to receive the exemption on the property to which it is applicable.

(iii) Except as provided in paragraph (b) of former subdivision five of this section, where such property is sold and moneys equalling or exceeding the amount of eligible funds used in the purchase of the parcel are received upon such sale, if such moneys are at any time thereafter used to purchase another parcel, an exemption may be granted as provided in subdivision one of this section provided the parcel is otherwise eligible for such exemption.

(iv) The provisions of former subdivision five of this section as referred to in this paragraph are the provisions originally enacted by chapter one hundred thirty-four of the laws of nineteen hundred seventy-nine and repealed by chapter four hundred ten of the laws of nineteen hundred ninety-four.

(b) In lieu of receiving an exemption pursuant to this section, the owner may apply for an exemption pursuant to section four hundred fifty-eight-a or four hundred fifty-eight-b of this title. If an exemption is granted pursuant to section four hundred fifty-eight-a, the owner may not thereafter receive an exemption pursuant to this section, unless the owner sells the property receiving exemption and uses the

proceeds of such sale to purchase property in a municipality that has adopted and has in effect a local law as provided in subdivision four of section four hundred fifty-eight-a of this title. In such event, the owner may again receive exemption pursuant to subdivision one of this section.

7. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to subdivision one, two or three of this section, were such person or persons the owner or owners of such real property.

8. (a) For the purposes of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(b) Provided that all other eligibility criteria of this section are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

(c) Notwithstanding paragraph (b) of this subdivision, a tenant-stockholder who resides in a dwelling that is subject to the provisions of either article two, four, five or eleven of the private housing finance law shall not be eligible for an exemption pursuant to this section.

(d) Notwithstanding paragraph (b) of this subdivision, real property owned by a cooperative apartment corporation may be exempt from taxation pursuant to this section by a municipality in which such real property is located only if the governing body of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor.

9. Notwithstanding the provisions of subdivision one of this section, the governing body of any municipality may, after public hearing, adopt a local law, ordinance or resolution providing where a veteran, the spouse of the veteran or unremarried surviving spouse already receiving an exemption pursuant to this section sells the property receiving the exemption and purchases property within the same county or school district, or in the case of a city having a population of one million or more persons, within the same city, the assessor shall transfer and prorate, for the remainder of the fiscal year, the exemption which the veteran, the spouse of the veteran or unremarried surviving spouse received. The prorated exemption shall be based upon the date the veteran, the spouse of the veteran or unremarried surviving spouse obtains title to the new property and shall be calculated by multiplying the tax rate or rates for each municipal corporation which levied taxes, or for which taxes were levied, on the appropriate tax roll used for the fiscal year or years during which the transfer occurred times the previously granted exempt amount times the fraction of each fiscal year or years remaining subsequent to the transfer of title. Nothing in this section shall be construed to remove the requirement that any such veteran, the spouse of the veteran or unremarried surviving spouse transferring an exemption pursuant to this subdivision shall reapply for the exemption authorized pursuant to this section on or before the following taxable status date, in the event such veteran, the spouse of the veteran or unremarried surviving spouse wishes to receive the exemption in future fiscal years.

10. The commissioner shall develop in consultation with the director of the New York state division of veterans' services a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service

Certificate/Report of Causality from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the division of veterans' services and the office of real property tax services.

§ 458-a. Veterans; alternative exemption. 1. The following terms whenever used or referred to in this section shall have the following meanings unless a different meaning clearly appears in the context:

(a) "Period of war" means the Spanish-American war; the Mexican border period; World War I; World War II; the hostilities, known as the Korean war, which commenced June twenty-seventh, nineteen hundred fifty and terminated on January thirty-first, nineteen hundred fifty-five; the hostilities, known as the Vietnam war, which commenced November first, nineteen hundred fifty-five and terminated on May seventh, nineteen hundred seventy-five; and the hostilities, known as the Persian Gulf conflict, which commenced August second, nineteen hundred ninety.

(b) "Service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval or air service.

(c) "Qualified owner" means a veteran, the spouse of a veteran or the unremarried surviving spouse of a veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

(d) "Qualifying residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section. Such property must be the primary residence of the veteran or

unremarried surviving spouse of the veteran, unless the veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization. In the event the veteran dies and there is no unremarried surviving spouse, "qualifying residential real property" shall mean the primary residence owned by a qualified owner prior to death, provided that the title to the property becomes vested in the dependent father or mother or dependent child or children under twenty-one years of age of a veteran by virtue of devise by or descent from the deceased qualified owner, provided that the property is the primary residence of one or all of the devisees.

(e) "Veteran" means a person (i) who served in the active military, naval, space, or air service during a period of war, or who was a recipient of the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, and who (1) was discharged or released therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, (ii) who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the department of defense, (iii) who served as a United States

civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (1) was discharged or released therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, (iv) who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (1) was discharged or released therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, (v) notwithstanding any other provision of law to the contrary, who are members of the reserve components of the armed forces of the United States who (1) received an honorable discharge or release therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, but are still members of the reserve components of the armed forces of the United States provided that such members meet all other qualifications under the provisions of this section, or (vi) who shall be considered to have been discharged or released from active military service of the United States under honorable conditions if: (1) the individual served in the active military service of the United States for the period of

time such individual was obligated to serve at the time of entry into service; (2) the individual was not discharged or released from such service at the time of completing such period of obligation due to an intervening enlistment or reenlistment; (3) the individual would have been eligible for a discharge or release under conditions other than dishonorable at such time except for such intervening enlistment or reenlistment; and (4) the individual served in the active military service of the United States for a period of at least ten years, provided that such individual meets all other qualifications under the provisions of this section.

(f) "Latest state equalization rate" means the latest final state equalization rate or special equalization rate established by the commissioner pursuant to article twelve of this chapter. The commissioner shall establish a special equalization rate if it finds that there has been a material change in the level of assessment since the establishment of the latest state equalization rate, but in no event shall such special equalization rate exceed one hundred. In the event that the state equalization rate exceeds one hundred, then the state equalization rate shall be one hundred for the purposes of this section. Where a special equalization rate is established for purposes of this section, the assessor is directed and authorized to recompute the alternative veterans exemption on the assessment roll by applying such special equalization rate instead of the latest state equalization rate applied in the previous year and to make the appropriate corrections on the assessment roll, notwithstanding the fact that such assessor may receive the special equalization rate after the completion, verification and filing of such final assessment roll. In the event that the assessor does not have custody of the roll when such recomputation is accomplished, the assessor shall certify such recomputation to the local officers having custody and control of such roll, and such local officers are hereby directed and authorized to enter the recomputed alternative veterans exemption certified by the assessor on such roll.

(g) "Latest class ratio" means the latest final class ratio established by the commissioner pursuant to title one of article twelve of this chapter for use in a special assessing unit as defined in section eighteen hundred one of this chapter.

2. (a) Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided, however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less.

(b) In addition to the exemption provided by paragraph (a) of this subdivision, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, or the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, qualifying residential real property also shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided, however, that such exemption shall not exceed eight thousand dollars or the product of eight thousand dollars multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the class ratio, whichever is less.

(c) In addition to the exemptions provided by paragraphs (a) and (b) of this subdivision, where the veteran received a compensation rating from the United States veteran's administration or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the veteran's disability rating; provided, however, that such exemption shall not exceed forty thousand dollars or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less. For purposes of this paragraph, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of one hundred percent.

(d) Limitations. (i) The exemption from taxation provided by this subdivision shall be applicable to county, city, town, village and school district taxation if the governing body of the school district in

which the property is located, or in the case of a city with a population of one million or more, the local legislative body, after public hearings, adopts a resolution, or in the case of a city with a population of one million or more, a local law, providing such exemption, the procedure for such hearing and resolution or local law shall be conducted separately from the procedure for any hearing and local law or resolution conducted pursuant to subparagraph (ii) of this paragraph, paragraph (b) of subdivision four, paragraph (d) of subdivision six and paragraph (b) of subdivision seven of this section.

(ii) Each county, city, town, village or school district may adopt a local law to reduce the maximum exemption allowable in paragraphs (a), (b) and (c) of this subdivision to nine thousand dollars, six thousand dollars and thirty thousand dollars, respectively, or six thousand dollars, four thousand dollars and twenty thousand dollars, respectively. Each county, city, town, village or school district is also authorized to adopt a local law to increase the maximum exemption allowable in paragraphs (a), (b) and (c) of this subdivision to fifteen thousand dollars, ten thousand dollars and fifty thousand dollars, respectively; eighteen thousand dollars, twelve thousand dollars and sixty thousand dollars, respectively; twenty-one thousand dollars, fourteen thousand dollars, and seventy thousand dollars, respectively; twenty-four thousand dollars, sixteen thousand dollars, and eighty thousand dollars, respectively; twenty-seven thousand dollars, eighteen thousand dollars, and ninety thousand dollars, respectively; thirty thousand dollars, twenty thousand dollars, and one hundred thousand dollars, respectively; thirty-three thousand dollars, twenty-two thousand dollars, and one hundred ten thousand dollars, respectively; thirty-six thousand dollars, twenty-four thousand dollars, and one hundred twenty thousand dollars, respectively; thirty-nine thousand dollars, twenty-six thousand dollars, and one hundred thirty thousand dollars, respectively; forty-two thousand dollars, twenty-eight thousand dollars, and one hundred forty thousand dollars, respectively; and forty-five thousand dollars, thirty thousand dollars and one hundred fifty thousand dollars, respectively. In addition, a county, city, town, village or school district which is a "high-appreciation municipality" as defined in this subparagraph is authorized to adopt a local law to increase the maximum exemption allowable in paragraphs (a), (b) and (c)

of this subdivision to thirty-nine thousand dollars, twenty-six thousand dollars, and one hundred thirty thousand dollars, respectively; forty-two thousand dollars, twenty-eight thousand dollars, and one hundred forty thousand dollars, respectively; forty-five thousand dollars, thirty thousand dollars and one hundred fifty thousand dollars, respectively; forty-eight thousand dollars, thirty-two thousand dollars and one hundred sixty thousand dollars, respectively; fifty-one thousand dollars, thirty-four thousand dollars and one hundred seventy thousand dollars, respectively; fifty-four thousand dollars, thirty-six thousand dollars and one hundred eighty thousand dollars, respectively; fifty-seven thousand dollars, thirty-eight thousand dollars and one hundred ninety thousand dollars, respectively; sixty thousand dollars, forty thousand dollars and two hundred thousand dollars, respectively; sixty-three thousand dollars, forty-two thousand dollars and two hundred ten thousand dollars, respectively; sixty-six thousand dollars, forty-four thousand dollars and two hundred twenty thousand dollars, respectively; sixty-nine thousand dollars, forty-six thousand dollars and two hundred thirty thousand dollars, respectively; seventy-two thousand dollars, forty-eight thousand dollars and two hundred forty thousand dollars, respectively; seventy-five thousand dollars, fifty thousand dollars and two hundred fifty thousand dollars, respectively. For purposes of this subparagraph, a "high-appreciation municipality" means: (A) a special assessing unit that is a city, (B) a county for which the commissioner has established a sales price differential factor for purposes of the STAR exemption authorized by section four hundred twenty-five of this title in three consecutive years, and (C) a city, town, village or school district which is wholly or partly located within such a county.

3. Application for exemption must be made by the owner, or all of the owners, of the property on a form prescribed by the commissioner. The owner or owners shall file the completed form in the assessor's office on or before the appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability

percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of making any willful false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

3-a. Notwithstanding the provisions of this section or any other provision of law, in a city having a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth day of March of the appropriate year.

4. (a) Notwithstanding the foregoing provisions of this section, no later than ninety days before the taxable status date next occurring on or after the thirty-first day of December nineteen hundred eighty-four, the governing board of any county, city, town or village may adopt a local law to provide that no exemption shall be granted pursuant to this section for the purposes of taxes levied for such county, city, town or village. For the purposes of a county which is not an assessing unit, the taxable status date next occurring on or after December thirty-first, nineteen hundred eighty-four shall mean the first such taxable status date of any city or town within such county upon the assessment roll of which the county levies taxes. A local law adopted pursuant to this paragraph may be repealed by the governing board of the applicable county, city, town or village. Such repeal must occur at least ninety days prior to the taxable status date of such county, city, town or village.

(b) Notwithstanding any other provision of law to the contrary, no later than ninety days before the taxable status date next occurring on or after the thirty-first day of December, two thousand thirteen, the governing body of a school district may repeal a resolution adopted pursuant to subparagraph (i) of paragraph (d) of subdivision two of this section providing the exemption from taxation pursuant to this section for the purposes of taxes levied by such school district. Nothing contained in this paragraph shall be construed to preclude the governing body of a school district from subsequently adopting a resolution granting such exemption pursuant to this section.

5. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this section, were such person or persons the owner or owners of such real property.

6. (a) For the purposes of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(b) Provided that all other eligibility criteria of this section are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

(c) Notwithstanding paragraph (b) of this subdivision, a tenant-stockholder who resides in a dwelling that is subject to the provisions of either article two, four, five or eleven of the private housing finance law shall not be eligible for an exemption pursuant to this section.

(d) Notwithstanding paragraph (b) of this subdivision, real property owned by a cooperative corporation may be exempt from taxation pursuant to this section by a municipality in which such property is located only if the governing body of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor.

7. (a) As used in this subdivision, "Gold Star Parent" shall mean the parent of a child who died in the line of duty while serving in the United States armed forces during a period of war.

(b) A county, city, town, village or school district may adopt a local law to include a Gold Star Parent within the definition of "qualified owner", as provided in paragraph (c) of subdivision one of this section, and to include property owned by a Gold Star Parent within the definition of "qualifying residential real property" as provided in paragraph (d) of subdivision one of this section, provided that such property shall be the primary residence of the Gold Star Parent.

(c) The additional exemption provided for in paragraph (c) of subdivision two of this section shall not apply to real property owned by a Gold Star Parent.

8. Notwithstanding the provisions of paragraph (c) of subdivision one of this section and subdivision three of this section, the governing body of any municipality may, after public hearing, adopt a local law, ordinance or resolution providing that where a veteran, the spouse of the veteran or unremarried surviving spouse already receiving an exemption pursuant to this section sells the property receiving the exemption and purchases property within the same county, or in the case of a city having a population of one million or more persons, within the same city, the assessor shall transfer and prorate, for the remainder of the fiscal year, the exemption received. The prorated exemption shall be based upon the date the veteran, the spouse of the veteran or unremarried surviving spouse obtains title to the new property and shall be calculated by multiplying the tax rate or rates for each municipal corporation which levied taxes, or for which taxes were levied, on the appropriate tax roll used for the fiscal year or years during which the transfer occurred times the previously granted exempt amount times the fraction of each fiscal year or years remaining subsequent to the transfer of title. Nothing in this section shall be construed to remove the requirement that any such veteran, the spouse of the veteran or unremarried surviving spouse transferring an exemption pursuant to this subdivision shall reapply for the exemption authorized pursuant to this section on or before the following taxable status date, in the event such veteran, the spouse of the veteran or unremarried surviving spouse

wishes to receive the exemption in future fiscal years.

9. The commissioner shall develop in consultation with the commissioner of the New York state department of veterans' services a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of Casualty from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the department of veterans' services and the office of real property tax services.

10. A county, city, town, village or school district may adopt a local law or resolution to include those military personnel who served in the Reserve component of the United States Armed Forces that were deemed on active duty under Executive Order 11519 signed March twenty-third, nineteen hundred seventy, 35 Federal Register 5003, dated March twenty-fourth, nineteen hundred seventy and later designated by the United States Department of Defense as Operation Graphic Hand, if such member (1) was discharged or released therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, provided that such veteran meets all other qualifications of this section.

11. In addition to any other exemption from taxation on real property which may be allowed to veterans pursuant to the provisions of this chapter, including subdivision three of section four hundred fifty-eight of this title, a county, city, town, village or school district may adopt a local law or resolution providing that the primary residence of any seriously disabled veteran shall be fully exempt from taxation and

special district charges, assessments and special ad valorem levies, provided that such veteran meets all other requirements of this section and such veteran has met at least one of the criteria set forth in paragraph (a) of this subdivision and the criterion set forth in paragraph (b) of this subdivision. To be eligible for such exemption, a veteran:

(a)(i) must have been discharged or released from active military, naval, space or air service, including army and air national guard service performed pursuant to federal orders under title 10 of the United States code, under honorable conditions; or

(ii) must have a qualifying condition, as defined in section one of the veterans' services law, and must have received a discharge other than bad conduct or dishonorable from such service; or

(iii) must be a discharged LGBT veteran, as defined in section one of the veterans' services law, and must have received a discharge other than bad conduct or dishonorable from such service; and

(b) must be considered by the United States department of veterans affairs to be permanently and totally disabled as a result of military service, as evidenced by a letter, official form, or other document sent to such veteran from such department that specifically states such veteran is considered to be permanently and totally disabled as a result of such service.

(c) In no case shall the taxable assessed value of the property of a qualifying veteran be reduced below zero. Nothing contained herein shall be construed to require or authorize the discontinuance of any exemption granted pursuant to subdivision three of section four hundred fifty-eight of this title.

(d) Each county, city, town, village or school district that adopts a local law or resolution for the exemption authorized by this subdivision shall notify the department of veterans' services within thirty days of such adoption; provided, however, that a failure to notify the department of veterans' services within thirty days shall not render such local law or resolution ineffective. The department of veterans' services shall compile and maintain a publicly available record of each such county, city, town, village or school district that has adopted such exemption.

§ 458-b. Exemption for Cold War veterans. 1. As used in this section:

(a) "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, and (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

(b) "Armed forces" means the United States army, navy, marine corps, air force, and coast guard.

(c) "Active duty" means full-time duty in the United States armed forces, other than active duty for training.

(d) "Service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

(e) "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

(f) "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

(g) "Latest state equalization rate" means the latest final state equalization rate or special equalization rate established by the commissioner pursuant to article twelve of this chapter. The commissioner shall establish a special equalization rate if it finds that there has been a material change in the level of assessment since the establishment of the latest state equalization rate, but in no event shall such special equalization rate exceed one hundred. In the event that the state equalization rate exceeds one hundred, then the state equalization rate shall be one hundred for the purposes of this section. Where a special equalization rate is established for purposes of this section, the assessor is directed and authorized to recompute the Cold War veterans exemption on the assessment roll by applying such special equalization rate instead of the latest state equalization rate applied in the previous year and to make the appropriate corrections on the assessment roll, notwithstanding the fact that such assessor may receive the special equalization rate after the completion, verification and filing of such final assessment roll. In the event that the assessor does not have custody of the roll when such recomputation is accomplished, the assessor shall certify such recomputation to the local officers having custody and control of such roll, and such local officers are hereby directed and authorized to enter the recomputed Cold War veterans exemption certified by the assessor on such roll.

(h) "Latest class ratio" means the latest final class ratio established by the commissioner pursuant to title one of article twelve of this chapter for use in a special assessing unit as defined in section eighteen hundred one of this chapter.

2. (a) Each county, city, town or village may adopt a local law, and each school district may adopt a resolution, to provide that qualifying residential real property shall be exempt from taxation to the extent of either: (i) ten percent of the assessed value of such property; provided however, that such exemption shall not exceed eight thousand dollars or the product of eight thousand dollars multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less or; (ii) fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars or

the product of twelve thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

(b) In addition to the exemption provided by paragraph (a) of this subdivision, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

(c) Limitations. (i) The exemption from taxation provided by this subdivision shall be applicable to county, city, town, village, and school district taxation.

(ii) If a Cold War veteran receives the exemption under section four hundred fifty-eight or four hundred fifty-eight-a of this title, the Cold War veteran shall not be eligible to receive the exemption under this section.

(iii) The exemption provided by paragraph (a) of this subdivision shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this subparagraph. Where a qualified owner owns qualifying residential real property on the effective date of the local law or resolution providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of the local law or resolution providing for such exemption. Where a qualified owner does not own qualifying residential real property on the effective date of the local law or resolution providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days

after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this subdivision for the unexpired portion of the ten year exemption period, provided however, that notwithstanding the ten year limitation imposed by the foregoing provisions of this subparagraph, a county, city, town, village or school district that has adopted a local law or resolution pursuant to paragraph (a) of this subdivision may adopt a local law or resolution providing that the exemption authorized by this section shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to such ten year limitation. Each county, city, town or village may adopt a local law, and each school district may adopt a resolution, to reduce the maximum exemption allowable in paragraphs (a) and (b) of this subdivision to six thousand dollars, nine thousand dollars and thirty thousand dollars, respectively, or four thousand dollars, six thousand dollars and twenty thousand dollars, respectively. Each county, city, town, or village is also authorized to adopt a local law, and each school district may adopt a resolution, to increase the maximum exemption allowable in paragraphs (a) and (b) of this subdivision to ten thousand dollars, fifteen thousand dollars and fifty thousand dollars, respectively; twelve thousand dollars, eighteen thousand dollars and sixty thousand dollars, respectively; fourteen thousand dollars, twenty-one thousand dollars and seventy thousand dollars, respectively; sixteen thousand dollars, twenty-four thousand dollars and eighty thousand dollars, respectively; eighteen thousand dollars, twenty-seven thousand dollars and ninety thousand dollars, respectively; twenty thousand dollars, thirty thousand dollars and one hundred thousand dollars, respectively; twenty-two thousand dollars, thirty-three thousand dollars and one hundred ten thousand dollars, respectively; twenty-four thousand dollars, thirty-six thousand dollars and one hundred twenty thousand dollars, respectively; twenty-six thousand dollars, thirty-nine thousand dollars, and one hundred thirty thousand dollars, respectively; twenty-eight thousand dollars, forty-two thousand dollars, and one hundred forty thousand dollars, respectively; and thirty thousand dollars, forty-five thousand

dollars and one hundred fifty thousand dollars, respectively. In addition, a county, city, town or village which is a "high-appreciation municipality" as defined in this subparagraph is authorized to adopt a local law, and each school district which is within a high-appreciation municipality is authorized to adopt a resolution, to increase the maximum exemption allowable in paragraphs (a) and (b) of this subdivision to twenty-six thousand dollars, thirty-nine thousand dollars and one hundred thirty thousand dollars, respectively; twenty-eight thousand dollars, forty-two thousand dollars and one hundred forty thousand dollars, respectively; thirty thousand dollars, forty-five thousand dollars and one hundred fifty thousand dollars, respectively; thirty-two thousand dollars, forty-eight thousand dollars and one hundred sixty thousand dollars, respectively; thirty-four thousand dollars, fifty-one thousand dollars and one hundred seventy thousand dollars, respectively; thirty-six thousand dollars, fifty-four thousand dollars and one hundred eighty thousand dollars, respectively; thirty-eight thousand dollars, fifty-seven thousand dollars and one hundred ninety thousand dollars, respectively; forty thousand dollars, sixty thousand dollars and two hundred thousand dollars, respectively; forty-two thousand dollars, sixty-three thousand dollars and two hundred ten thousand dollars, respectively; forty-four thousand dollars, sixty-six thousand dollars and two hundred twenty thousand dollars, respectively; forty-six thousand dollars, sixty-nine thousand dollars and two hundred thirty thousand dollars, respectively; forty-eight thousand dollars, seventy-two thousand dollars and two hundred forty thousand dollars, respectively; fifty thousand dollars, seventy-five thousand dollars and two hundred fifty thousand dollars, respectively. For purposes of this subparagraph, a "high-appreciation municipality" means: (A) a special assessing unit that is a city, (B) a county for which the commissioner has established a sales price differential factor for purposes of the STAR exemption authorized by section four hundred twenty-five of this title in three consecutive years, and (C) a city, town or village which is wholly or partly located within such a county.

3. Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the commissioner. The owner or owners shall file the completed form in the assessor's office

on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

4. Notwithstanding the provisions of this section or any other provision of law, in a city having a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth day of March of the appropriate year.

5. A local law or resolution adopted pursuant to this section may be repealed by the governing body of the applicable county, city, town, village, school district or, in the case of a city with a population of one million or more, the local legislative body. Such repeal shall occur at least ninety days prior to the taxable status date of such county, city, town, village, school district or legislative body.

6. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this section, were such person or persons the owner or owners of such real property.

7. (a) For the purposes of this section, title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(b) Provided that all other eligibility criteria of this section are

met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

(c) Notwithstanding paragraph (b) of this subdivision, a tenant-stockholder who resides in a dwelling that is subject to the provisions of either article two, four, five or eleven of the private housing finance law shall not be eligible for an exemption pursuant to this section.

(d) Notwithstanding paragraph (b) of this subdivision, real property owned by a cooperative corporation may be exempt from taxation pursuant to this section by a municipality in which such property is located only if the governing body of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor.

8. The commissioner shall develop in consultation with the commissioner of the New York state department of veterans' services a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of Casualty from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the department of veterans' services and the office of real property tax services.

§ 458-c. Improvements to property of severely injured members of the

armed forces of the United States. 1. For the purpose of this section, "member of the armed forces of the United States" shall mean a person who served in the army, navy, air force, marines, coast guard or a reserve command.

2. Real property altered, installed or improved for the purposes of removal of architectural barriers that challenge the mobility of a severely injured member of the armed forces of the United States who has a service-connected disability due to combat and found fit to serve by the physical evaluation board of such service member's branch of service, in existing property used solely for residential purposes shall be exempt from taxation and special ad valorem levies as hereinafter provided. After a public hearing, the governing board of a county, city, town or village may adopt a local law and a school district may adopt a resolution to grant the exemption authorized pursuant to this section. A copy of such local law or resolution shall be filed with the commissioner and the assessor of such county, city, town or village who prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

3. (a) Improvements to such real property shall be exempt pursuant to the following exemption schedule:

Year of Exemption	Percentage of Exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No exemption shall be granted for alterations, installations, or improvements unless such alterations, installations, or improvements were commenced after the date of the severely injured member of the armed forces' disability due to combat and subsequent to the effective

date of the local law or resolution adopted pursuant to subdivision two of this section. Notwithstanding the foregoing provision, if such alterations, installations or improvements were commenced prior to the effective date of the local law or resolution adopted pursuant to subdivision two of this section, such alternations, installations or improvements may receive an exemption pursuant to the exemption schedule of this section for the remainder of the authorized period of exemption as if such alterations, installations or improvements, had been commenced on or after such effective date; provided, however, the property shall not be eligible for refunds of property taxes or special ad valorem levies paid prior to the effective date of the local law or resolution.

4. For the purpose of this section, the terms alteration, installation and improvement shall not include ordinary maintenance and repair.

5. (a) The provisions of this section shall only apply to the qualifying real property which is the primary residence of the applicant, provided that, in the event any portion of such real property is not used exclusively for the applicant's primary residence such portion shall not be subject to the exemption granted by this section.

(b) The exemption from taxation provided by this section shall be applicable to county, city, town, village, and school district taxation.

(c) If a severely injured member of the United States armed forces receives the exemption under sections four hundred fifty-eight, four hundred fifty-eight-a, four hundred fifty-eight-b, four hundred fifty-nine or four hundred fifty-nine-c of this title, the severely injured member of the armed forces of the United States shall not be eligible under this section.

6. (a) Applications for the exemption allowable under this section shall be made by the owner, or all other owners, of the property on a form prescribed by the commissioner. The owner or owners shall file the completed form in the assessor's office of the county, city, town or village having the power to assess property for taxation on or before the appropriate taxable status date of such county, city, town or village, with the following documentation:

- (i) a copy of the applicant's military ID card;
 - (ii) a copy of the applicant's current military orders;
 - (iii) a statement from the applicant's commander or superior addressing the applicant's physical capabilities;
 - (iv) a letter or letters from the applicant's treating physician or physicians addressing the applicant's physical capabilities and need for the alterations, installations or improvements of the applicant's primary residence;
 - (v) copy of the after action report which describes the events that resulted in the disability; and
 - (vi) any other evidence determined to be necessary by the commissioner.
- (b) Any applicant convicted of making a false statement on the application or submitted evidence for such exemption shall be subject to the penalties prescribed in article one hundred seventy-five of the penal law.
- (c) Notwithstanding the provisions of this section or any other provisions of law, in a city having a population of one million or more applications for the exemption authorized pursuant to this section shall be considered timely filed on or before the fifteenth day of March of the appropriate tax years.

7. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

8. A county, city, town or village may by local law, or in a school district may by resolution:

- (a) reduce the per centum of the exemption otherwise allowed pursuant to this section; and
- (b) limit eligibility for the exemption to those forms of alterations,

installations, or improvements as are prescribed in such local law or resolution.

§ 458-d. Combat zone service exemption. 1. For the purposes of this section:

(a) "active duty" shall have the same meaning as such term is used in section 101 of title 10 of the United States code.

(b) "armed forces" shall have the same meaning as such term is used in section 101 of title 10 of the United States code and shall also include the army and air national guard of the United States and New York naval militia.

(c) "combat zone" shall mean areas designated by an executive order from the President of the United States in which the United States armed forces are engaging or have engaged in combat.

(d) "qualified owner" means a member of the armed forces who, at any time during the calendar year immediately preceding the applicable taxable status date, served on active duty in a combat zone, as documented by a copy of such member's military orders or a certified letter from such member's commanding officer. Provided, however, that an owner who is receiving an exemption under section four hundred fifty-eight, four hundred fifty-eight-a or four hundred fifty-eight-b of this title on a given assessment roll shall not be eligible for an exemption under this section on the same assessment roll.

(e) "qualifying residential real property" means property owned by a qualified owner that is used exclusively for residential purposes and is the primary residence of the qualified owner; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section.

(f) "latest state equalization rate" means the latest final equalization rate established by the state board pursuant to article twelve of this chapter.

(g) "latest class ratio" means the latest final class ratio established by the state board pursuant to title one of article twelve

of this chapter for use in a special assessing unit as defined in section eighteen hundred one of this chapter.

2. The governing body of any county, city, town or village may adopt a local law or resolution to provide a qualified owner an exemption from taxation on qualifying residential real property up to twenty-five percent of the assessed value of such property, provided, that such exemption shall not exceed twenty thousand dollars or the product of twenty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the class ratio, whichever is less. Such local law or resolution shall establish a maximum exemption percentage or maximum exempt dollar amount not to exceed the levels specified in this subdivision.

3. The exemption from taxation provided by this section shall be applicable to any county, city, town, or village, but shall not be applicable to taxes levied for school purposes.

4. Application for such exemption shall be filed with the assessor or other agency, department, or office designated by the municipality on or before the taxable status date on a form as prescribed by the commissioner. The owner or owners of the property shall be required to refile each year in order to continue receiving the exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

5. In a city having a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are on or before the fifteenth day of March of the appropriate year.

6. A local law or resolution adopted pursuant to this section may be repealed by the governing body of the applicable county, city, town, or village. Such repeal shall occur at least ninety days prior to the taxable status date of such county, city, town, or village.

§ 459. Persons who are physically disabled. 1. After a public hearing, the governing body of a county, city, town or village may adopt a local law or a school district may adopt a resolution, providing for an exemption pursuant to the provisions of this section. Such local law or resolution may provide that an improvement to any real property used solely for residential purposes as a one, two or three family residence shall be exempt from taxation and special ad valorem levies to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by (a) a resident owner of the real property who is physically disabled, or (b) a member of the resident owner's household who is physically disabled, if such member resides in the real property. A local law or resolution adopted pursuant to this section may provide that the exemption shall apply to improvements constructed prior to the effective date of such local law or resolution.

2. To qualify as physically disabled for the purposes of this section, an individual shall submit to the assessor a certified statement from a physician licensed to practice in the state on a form prescribed and made available by the commissioner which states that the individual has a permanent physical impairment which substantially limits one or more of such individual's major life activities, except that an individual who has obtained a certificate from the state commission for the blind stating that such individual is legally blind may submit such certificate in lieu of a physician's certified statement.

3. Such exemption shall be granted only upon application by the owner or all of the owners of the real property on a form prescribed and made available by the commissioner. The applicant shall furnish such information as the commissioner shall require. The application shall be filed together with the appropriate certified statement of physical disability or certificate of blindness with the assessor of the appropriate county, city, town, or village on or before the taxable status date of such county, city, town, or village.

3-a. Notwithstanding the provisions of this section or any other provision of law, in a city having a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth day of March of the appropriate year.

4. If the assessor is satisfied that the improvement is necessary to facilitate and accommodate the use and accessibility by a resident who is physically disabled and that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and enter the taxable assessed value of the parcel for which an exemption has been granted pursuant to this section on the assessment roll with the taxable property, with the amount of the exemption as determined pursuant to subdivision one of this section in a separate column. Once granted, the exemption shall continue on the real property until the improvement ceases to be necessary to facilitate and accommodate the use and accessibility of the property by the resident who is physically disabled.

§ 459-a. Improvements to property made pursuant to the Americans with Disabilities Act of 1990. 1. Real property altered, installed or improved subsequent to the Americans with Disabilities Act of 1990 (P.L. 101-336) for the purposes of removal of architectural barriers for persons with disabilities in existing property shall be exempt from taxation and special ad valorem levies as hereinafter provided. After a public hearing, the governing board of a county, city, town or village may adopt a local law and a school district, other than a school district subject to article fifty-two of the education law, may adopt a resolution to grant the exemption authorized pursuant to this section. A copy of such local law or resolution shall be filed with the commissioner and the assessor of such county, city, town or village who prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

2. (a) Improvements to such real property shall be exempt pursuant to the following exemption schedule:

YEAR OF EXEMPTION

PERCENTAGE OF EXEMPTION

1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No exemption shall be granted for alterations, installations or improvements unless such alterations, installations or improvements were commenced subsequent to the effective date of the local law or resolution adopted pursuant to subdivision one of this section. Notwithstanding the foregoing provision, if such alterations, installations or improvements were commenced prior to the effective date of the local law or resolution adopted pursuant to subdivision one of this section, such alterations, installations or improvements may receive an exemption pursuant to the exemption schedule of this section for the remainder of the authorized period of exemption as if such alterations, installations or improvements had been commenced on or after such effective date; provided, however, the property shall not be eligible for refunds of property taxes or special ad valorem levies paid prior to the effective date of the local law or resolution.

3. Such exemption shall be granted only upon application by the owner or all the owners of such building on a form prescribed by the state board. The application shall be filed with the assessor of the county, city, town or village having the power to assess property for taxation on or before the appropriate taxable status date of such county, city, town or village.

3-a. Notwithstanding the provisions of this section or any other provision of law, in a city having a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth

day of March of the appropriate year.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. A county, city, town or village may, by local law, or a school district may, by resolution:

(i) reduce the per centum of exemption otherwise allowed pursuant to this section and

(ii) limit eligibility for the exemption to those forms of alterations, installations, or improvements as are prescribed in such local law or resolution.

§ 459-b. Physically disabled crime victims. 1. Where the resident owner of real property used solely for residential purposes as a one, two or three family residence, a member of a resident owner's household or a resident of such property is a victim of a crime as defined in subdivision five or good samaritan as defined in subdivision seven of section six hundred twenty-one of the executive law and was physically disabled as a result of such crime, any improvement to real property shall be exempt from taxation to the extent of any increase in value attributable to such improvement if such improvement is used primarily for the purpose of facilitating and accommodating the use and accessibility of such real property.

2. To qualify as a physically disabled crime victim or good samaritan for the purposes of this section, an individual shall submit to the assessor a certified statement from a physician licensed to practice in the state of New York on a form prescribed and made available by the

commissioner which states that the individual has a permanent physical impairment which substantially limits one or more of such individual's major life activities, except that an individual who has obtained a certificate from the state commission for the blind stating that such individual is legally blind may submit such certificate in lieu of a physician's certified statement. In addition, a copy of a police report pertaining to the crime from which the injury resulted, a report from the office of victim services or other evidence or documentation which would tend to substantiate that a physical disability was inflicted upon an individual as the result of a crime shall also be submitted to the assessor.

3. Such exemption shall be granted only upon application by the owner or all the owners of the real property on a form prescribed and made available by the commissioner. The applicant shall furnish such information as the commissioner shall require. The application shall be filed together with the appropriate certified statement of physical disability or certificate of blindness and police report, crime victim's board report or other substantiating documentation with the assessor of the appropriate county, city, town or village on or before the taxable status date of such county, city, town or village.

3-a. Notwithstanding the provisions of this section or any other provision of law, in a city having a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth day of March of the appropriate year.

4. If the assessor is satisfied that the improvement is necessary to facilitate and accommodate the use and accessibility by a resident crime victim or good samaritan who is physically disabled and that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and enter the taxable assessed value of the parcel for which an exemption has been granted pursuant to this section on the assessment roll with the taxable property, with the amount of the exemption as determined pursuant to subdivision one of this section in a separate column. Once granted, the exemption shall

continue on the real property until the improvement ceases to be necessary to facilitate and accommodate the use and accessibility of the property by the resident crime victim or good samaritan who is physically disabled.

§ 459-c. Persons with disabilities and limited incomes. 1. * (a) Real property owned by one or more persons with disabilities, or real property owned by a married person or a married couple, or by siblings, at least one of whom has a disability, or a person with a disability who has their primary residence in a special needs trust, or a property owner who has a tenant with a disability whose lease provides them with a life interest in the property as long as the tenant remains in residence, or real property owned by one or more persons, some of whom qualify under this section and the others of whom qualify under section four hundred sixty-seven of this title, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from payments in lieu of taxes (PILOT) to the battery city park authority or from taxation by any municipal corporation in which located to the extent of fifty per centum of the assessed valuation thereof as hereinafter provided. After a public hearing, the governing board of a county, city, town or village may adopt a local law and a school district, other than a school district subject to article fifty-two of the education law, may adopt a resolution to grant the exemption authorized pursuant to this section.

* NB Effective until July 1, 2027

* (a) Real property owned by one or more persons with disabilities, or real property owned by a married person or a married couple, or by siblings, at least one of whom has a disability, or a person with a disability who has their primary residence in a special needs trust, or a property owner who has a tenant with a disability whose lease provides them with a life interest in the property as long as the tenant remains in residence, or real property owned by one or more persons, some of whom qualify under this section and the others of whom qualify under section four hundred sixty-seven of this title, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from payments in lieu of taxes (PILOT) to the battery city park

authority or from taxation by any municipal corporation in which located to the extent of fifty per centum of the assessed valuation thereof as hereinafter provided. After a public hearing, the governing board of a county, city, town or village may adopt a local law and a school district, other than a school district subject to article fifty-two of the education law, may adopt a resolution to grant the exemption authorized pursuant to this section, provided that such local law or resolution shall be enacted or amended separately from any other local law, ordinance, or resolution authorized pursuant to a section of this article other than (i) this section or (ii) section four hundred sixty-seven of this title.

* NB Effective July 1, 2027

(b) Any local law or resolution adopted pursuant to paragraph (a) of this subdivision may be amended, or a local law or resolution may be adopted, to provide an exemption so as to increase the maximum income eligibility level of such municipal corporation as provided in subdivision five of this section (represented in the hereinbelow schedule as M), to the extent provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION OR PILOT
More than (M) but less than (M+ \$1,000)	45 per centum
(M+ \$1,000 or more) but less than (M+ \$2,000)	40 per centum
(M+ \$2,000 or more) but less than (M+ \$3,000)	35 per centum
(M+ \$3,000 or more) but less than (M+ \$3,900)	30 per centum
(M+ \$3,900 or more) but less than (M+ \$4,800)	25 per centum
(M+ \$4,800 or more) but less than (M+ \$5,700)	20 per centum
(M+ \$5,700 or more) but less than (M+ \$6,600)	15 per centum
(M+ \$6,600 or more) but less than (M+ \$7,500)	10 per centum

(M + \$7,500 or more) but

less than (M+ \$8,400)

5 per centum

2. For purposes of this section: (a) the term "sibling" shall include persons whose relationship as siblings has been established through either half blood, whole blood or adoption.

(b) a person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who (i) is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal Social Security Act, or (ii) is certified to receive Railroad Retirement Disability benefits under the federal railroad Retirement Act, or (iii) has received a certificate from the state commission for the blind stating that such person is legally blind, or (iv) is certified to receive a United States Postal Service disability pension, or (v) is certified to receive a United States department of veterans affairs disability pension pursuant to 38 U.S.C. §1521, or (vi) has received an order from the chair of the workers' compensation board pursuant to article two of the workers' compensation law determining an award for compensation for (A) permanent total disability, as described in subdivision one of section fifteen of the workers' compensation law, or (B) permanent partial disability, as described in subdivision three of such section fifteen of the workers' compensation law, provided that the governing board of a municipality, after a public hearing, may adopt a local law or resolution establishing an adjustment percentage to be applied to the exemption percentage schedule established in paragraph (b) of subdivision one of this section, for exemptions based upon permanent partial disabilities. Such adjustment percentage shall not be less than fifty percent, and not more than one hundred percent.

An award letter from the Social Security Administration or the Railroad Retirement Board, or a certificate from the state commission for the blind, or an award letter from the United States Postal Service, or an award letter from the United States department of veterans

affairs, or an order of determination of an award for compensation for permanent total disability or for permanent partial disability issued by the workers' compensation board shall be submitted as proof of disability.

3. Any exemption provided by this section shall be computed after all other partial exemptions allowed by law, excluding the school tax relief (STAR) exemption authorized by section four hundred twenty-five of this title, have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same PILOT or municipal tax purpose pursuant to both this section and section four hundred sixty-seven of this title.

4. Exemption from taxation for school purposes shall not be granted in the case of real property where a child resides if such child attends a public school of elementary or secondary education; unless the governing board of the school district in which the property is located, after public hearing, adopts a resolution providing for such exemption; provided that any such resolution shall condition such exemption upon satisfactory proof that the child was not brought into the residence in whole or in substantial part for the purpose of attending a particular school within the district. The procedure for such hearing and resolution must be conducted separately from the procedure for any hearing and local law, ordinance or resolution conducted pursuant to paragraph (a) of subdivision one of this section.

5. No exemption shall be granted:

(a) * (i) if the income of the owner or the combined income of the owners of the property for the applicable income tax year exceeds the sum of three thousand dollars, or such other sum not less than three thousand dollars nor more than fifty thousand dollars, as may be provided by the local law or resolution adopted pursuant to this section.

* NB Effective until July 1, 2027

* (i) if the income of the owner or the combined income of the owners of the property for the applicable income tax year exceeds the sum of three thousand dollars, or such other sum not less than three thousand

dollars nor more than seventy-five thousand dollars beginning July first, two thousand twenty-seven, as may be provided by the local law or resolution adopted pursuant to this section.

* NB Effective July 1, 2027

(ii) Where the taxable status date is on or before April fourteenth, the applicable income tax year shall be the second most recent calendar year. Where the taxable status date is on or after April fifteenth, the applicable income tax year shall be the most recent calendar year. Provided, however, that for taxpayers whose income tax returns are filed on the basis of a fiscal year rather than a calendar year, the applicable income tax year shall be the most recent fiscal year for which an income tax return has been filed.

(iii) Where title is vested in a married person, the combined income of such person and such person's spouse may not exceed such sum, except where one spouse or ex-spouse is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

(iv) The term "income" as used herein shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions, plus any social security benefits not included in such federal adjusted gross income; provided that if no such return was filed for the applicable income tax year, the applicant's income shall be determined based on the amounts that would have so been reported if such a return had been filed; and provided further, that when determining income for purposes of this section, the following conditions shall be applicable:

(1) the governing body of a municipal corporation, after a public hearing, may adopt a local law, ordinance or resolution providing that any social security benefits that were not included in the applicant's federal adjusted gross income shall not be considered income;

(2) distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income shall not be considered income unless the governing body of a municipal corporation, after a public hearing, adopts a local law, ordinance or resolution providing otherwise;

(3) the applicant's income shall be offset by all medical and prescription drug expenses actually paid that were not reimbursed or paid for by insurance, if the governing body of a municipal corporation, after a public hearing, adopts a local law, ordinance or resolution providing therefor;

(4) any tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income shall be considered income; and

(5) any losses that were applied to reduce the applicant's federal adjusted gross income shall be subject to the following limitations:

(A) the net amount of loss reported on federal Schedule C, D, E, or F shall not exceed three thousand dollars per schedule,

(B) the net amount of any other separate category of loss shall not exceed three thousand dollars, and

(C) the aggregate amount of all losses shall not exceed fifteen thousand dollars;

(v) Notwithstanding subparagraph (iv) of this paragraph, in a city having a population of one million persons or more:

(1) except as provided in clause two of this subparagraph, the term "income" as used in this section shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the most recent income tax year or years for which data is sufficiently available to determine the applicant's eligibility for exemptions pursuant to this section, subject to any subsequent amendments or revisions, minus any distributions, to the extent included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity; provided that if no such return was filed for such income tax year, the applicant's income shall be determined based on the amounts that would have so been reported if such a return had been filed; and

(2) if an owner who has received an exemption pursuant to this section for a property on an assessment roll for a tax year ending on or before June thirtieth, two thousand twenty-four, would receive a greater exemption for any tax year ending on or after June thirtieth, two thousand twenty-five, the term "income" shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the

sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the governing board of a municipality, after a public hearing, adopts a local law or resolution providing therefor. In computing net rental income and net income from self-employment for the purposes of this item, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

(b) unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation or PILOT and the remaining portion only shall be entitled to the exemption provided by this section;

(c) unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section twenty-eight hundred one of the public health law, provided that any income accruing to that person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

6. (a) If so provided in the local law or resolution adopted pursuant to this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by the tenant-stockholder's share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(b) That proportion of the assessment of such real property owned by a

cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation or PILOT pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes or PILOT realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes or PILOT otherwise payable by or chargeable to such tenant-stockholder.

7. Application for such exemption must be made annually by the owner, or all of the owners of the property, on forms prescribed by the commissioner, and shall be filed in such assessor's office on or before the appropriate taxable status date; provided, however, proof of a permanent disability need be submitted only in the year exemption pursuant to this section is first sought or the disability is first determined to be permanent.

7-a. Notwithstanding the provisions of this section or any other provision of law, in a city having a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth day of March of the appropriate year and in such city all references in this section to taxable status date shall be deemed to refer to the fifteenth day of March of the appropriate year.

8. At least sixty days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes or PILOT on property owned by such person.

9. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax or PILOT exemption, pursuant to subdivision one of this section, were such person or persons the owner or owners of such real property.

§ 460. Clergy. (1) Real property owned by a minister of the gospel, priest or rabbi of any denomination, an actual resident and inhabitant of this state, who is engaged in the work assigned by the church or denomination of which he or she is a member, or who is unable to perform such work due to impaired health or is over seventy years of age, and real property owned by his or her unremarried surviving spouse while an actual resident and inhabitant of this state, shall be exempt from taxation to the extent of fifteen hundred dollars.

(2) An exemption may be granted pursuant to this section only upon application by the owner of the property on a form prescribed or approved by the commissioner. The application shall be filed with the assessor of the appropriate county, city, town or village on or before the taxable status date of such county, city, town or village.

(3) Notwithstanding the provisions of this section or any other provision of law, in a city having a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth day of March of the appropriate year.

§ 462. Religious corporations; property used for residential purposes. In addition to the exemption provided in section four hundred twenty-a of this article, property owned by a religious corporation while actually used by the officiating clergymen thereof for residential purposes shall be exempt from taxation. An exemption may be granted pursuant to this section only upon application by the owner of the property on a form prescribed or approved by the commissioner. The application shall be filed with the assessor of the appropriate county,

city, town or village on or before the taxable status date of such county, city, town or village. Notwithstanding the provisions of this section or any other provision of law, in a city having a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth day of March of the appropriate year.

§ 464. Incorporated associations of volunteer firefighters. 1. Except as otherwise provided in subdivision two of this section, real property owned by an incorporated association of present or former volunteer firefighters, other than a business corporation, which is (a) actually and exclusively used and occupied by such incorporated association or (b) leased to the city, town, village or fire district in which the real property is located and is actually and exclusively used and occupied by such city, town, village or fire district for fire department purposes or for the social and recreational use of the firefighters and residents of the city, town, village or fire district, provided the rent under any such lease does not exceed the amount of carrying, maintenance and depreciation charges or (c) leased to the school district in which the real property is located and is actually and exclusively used and occupied by such school district for school district purposes, provided the rent under any such lease does not exceed the amount of carrying, maintenance and depreciation charges, shall be exempt from taxation, but the total amount of the exemption to any one incorporated association shall not exceed twenty thousand dollars.

2. Notwithstanding the provisions of subdivision one of this section, real property owned by an incorporated volunteer fire company or fire department created for the purpose of furnishing fire protection which is (a) actually and exclusively used and occupied by such fire company or fire department for public purposes or (b) leased to the city, town, village or fire district in which the real property is located and is actually and exclusively used and occupied by such city, town, village or fire district for governmental purposes including but not limited to the social and recreational use of the firefighters and residents of the city, town, village or fire district provided the rent under any such

lease does not exceed the amount of carrying, maintenance and depreciation charges or (c) leased to the school district in which the real property is located and is actually and exclusively used and occupied by such school district for school district purposes, provided the rent under any such lease does not exceed the amount of carrying, maintenance and depreciation charges, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter. In the event that not all of the real property shall be used and occupied for such purposes then exemption of the portion not so used shall be limited to the exemption provided in subdivision one of this section.

3. The term "public purpose", as used in this section, shall mean land and buildings, or portions thereof, used for

(a) housing, storage, repair and testing of fire department vehicles and of equipment, appliances, devices, tools, protective clothing, uniforms and supplies,

(b) receipt and dispatch of alarms,

(c) training, drills and instruction,

(d) generators, lockers, showers, custodial quarters,

(e) offices, company meetings, ready room,

(f) social and recreational use, other than for income producing or business purposes, of both the firefighters and residents of the city, town, village or fire district in which the real property is located.

§ 465. Volunteer auxiliary police officers; certain counties. 1. Real property owned by an active auxiliary police officer in a local law enforcement agency or such active officer and spouse residing in any county having a population of more than three hundred thirty-eight thousand and less than three hundred forty thousand, determined in accordance with the latest federal decennial census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, school district, fire district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts

a local law, ordinance or resolution providing therefor, provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which real property is located.

2. Such exemption shall not be granted to an active auxiliary police officer in a local law enforcement agency residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such auxiliary police department;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the law enforcement agency in which such volunteer auxiliary police officer serves as being an active member as determined by the local enforcement agency's standards for at least five years. It shall be the duty and responsibility of the municipality, school district and/or fire district which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

4. An active auxiliary police officer shall not be eligible to receive the exemption if such applicant receives either a real property tax exemption pursuant to this title, or an income tax credit pursuant to section six hundred six of the tax law, related to services as a volunteer firefighter or ambulance worker.

§ 466. Volunteer firefighters and fire companies in villages. Upon the adoption of a proposition therefor by the qualified voters of a village, the real property owned by a volunteer member of the village fire department and the real property owned by any volunteer fire company in the village shall be exempt from taxation for village purposes to the extent of five hundred dollars in addition to any other exemption authorized by law.

*** § 466-a. Volunteer firefighters and volunteer ambulance workers; certain counties.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than two hundred sixty-one thousand inhabitants but less than two hundred seventy thousand inhabitants, determined in accordance with the 1990 federal census, or in any county having a population of more than ninety-eight thousand seven hundred inhabitants but less than ninety-nine thousand inhabitants, as determined by the latest federal decennial census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such a county provided that the governing body of a village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this

section.

* NB There are 2 § 466-a's

* NB Repealed December 9, 2028

*** § 466-a. Volunteer firefighters and volunteer ambulance workers. 1.**

Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county shall be exempt from taxation to the extent of up to ten percent of the assessed value and surviving spouses of members killed in the line of duty shall be exempt from taxation to the extent of up to fifty per centum of the assessed value of such property for city, village, town, part town, special district, school district, fire district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service, as determined by the governing body of a city,

village, town, school district, fire district or county; provided, however, that such governing body shall establish a minimum service requirement for each applicant between two years of service and five years of service. It shall be the duty and responsibility of the governing body of each municipality, school district and/or fire district which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of such member's life as long as their primary residence is located within such county provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. After the local legislative body of a county, city, town, or village passes a local law, or a school district passes a resolution, notwithstanding any other provision of law, real property owned by a surviving spouse of a enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service killed in the line of duty, shall be exempt from taxation to the extent of fifty per centum of the assessed valuation thereof. Within such local law or resolution, the local legislative body or school district may reduce the percentage of exemption authorized pursuant to this section, provided, however, that:

(a) such surviving spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as a surviving spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who was killed in the line of duty; and

(b) such deceased volunteer had been an enrolled member for at least the minimum number of years of service, between two and five years,

established by the municipality under this section; and

(c) such deceased volunteer had been receiving an exemption prior to their death.

4-a. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to subdivision four of this section, were such person or persons the owner or owners of such real property.

(a) For the purposes of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by their share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(b) Provided that all other eligibility criteria of this section are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

(c) Notwithstanding paragraph (b) of this subdivision, a tenant-stockholder who resides in a dwelling that is subject to the provisions of either article two, four, five or eleven of the private housing finance law shall not be eligible for an exemption pursuant to this section.

(d) Notwithstanding paragraph (b) of this subdivision, real property owned by a cooperative apartment corporation may be exempt from taxation pursuant to this section by a municipality in which such real property

is located only if the governing body of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor.

5. Surviving spouses of deceased volunteer firefighters or volunteer ambulance workers. Any local law or ordinance adopted pursuant to this section may be separately amended, or a local law, ordinance or resolution may be separately adopted to continue an exemption or reinstate a pre-existing exemption to a surviving spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; provided, however, that:

(a) such surviving spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as a surviving spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service; and

(b) such deceased volunteer had been an enrolled member for at least twenty years; and

(c) such deceased volunteer and surviving spouse had been receiving the exemption for such property prior to the death of such volunteer.

6. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

7. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

8. Any city, village, town, school district, fire district or county that currently, through local law, ordinance or resolution, provides an exemption from taxation for an enrolled member of an incorporated

volunteer fire company, fire department or incorporated voluntary ambulance service, such enrolled member and spouse, or a surviving spouse shall be authorized to continue to provide such exemption, provided however, such city, village, town, school district, fire district or county shall adopt a local law, ordinance or resolution to conform to the provisions of this section no later than three years after the effective date of this section.

9. Notice to affected municipalities. On or before December thirty-first, two thousand twenty-two, it shall be the duty of the commissioner or such commissioner's designees to notify or cause to be notified, in a manner prescribed by the commissioner, the chief executive officer of each and any municipality in which former sections four hundred sixty-six-a, four hundred sixty-six-b, four hundred sixty-six-c, four hundred sixty-six-d, four hundred sixty-six-f, four hundred sixty-six-g, four hundred sixty-six-h, four hundred sixty-six-i, four hundred sixty-six-j, and four hundred sixty-six-k of this title apply, of the provisions of chapter six hundred seventy of the laws of two thousand twenty-two that added this section.

* NB There are 2 § 466-a's

*** § 466-b. Volunteer firefighters and volunteer ambulance workers; certain additional counties.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than one hundred twenty thousand inhabitants but less than one hundred forty-one thousand inhabitants, determined in accordance with the latest federal decennial census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such

real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such a county provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB Repealed December 9, 2028

*** § 466-c. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of ninety-five thousand inhabitants but less than ninety-six thousand inhabitants, determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, county or school district purposes, exclusive of special assessments, provided that the governing body of a city, village, town, county or school district, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town, village or school district which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such a county provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this

section.

* NB There are 7 § 466-c's

* NB Repealed December 9, 2028

*** § 466-c. Volunteer firefighters and volunteer ambulance workers; certain counties.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than nine hundred fifty thousand but less than nine hundred sixty thousand as determined in accordance with the latest decennial census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town, or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire

company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 7 § 466-c's

* NB Repealed December 9, 2028

*** § 466-c. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service or such enrolled member and spouse residing

in any county having a population of more than forty-three thousand four hundred inhabitants but less than forty-three thousand six hundred inhabitants, determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance, or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 7 § 466-c's

* NB Repealed December 9, 2028

*** § 466-c. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than two hundred eighty thousand inhabitants but less than two hundred eighty thousand two hundred inhabitants, determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or

resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city,

village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 7 § 466-c's

* NB Repealed December 9, 2028

*** § 466-c. Volunteer firefighters and volunteer ambulance workers; exemption.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in a county which has a population of more than one million three hundred thousand and less than one million four hundred thousand persons, according to the latest federal decennial census and which is not located within a city with a population of one million or more shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, school district, special district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or

incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town, school district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the

provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 7 § 466-c's

* NB Repealed December 9, 2028

*** § 466-c. Volunteer firefighters and volunteer ambulance workers; certain counties.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in a county with a population of more than one million four hundred thousand and less than one million five hundred thousand, according to the latest federal decennial census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, county or school district purposes, exclusive of special assessments, provided that the governing body of a city, village, town, county or school district, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the town which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire

company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such a county provided that the governing body of a city, village, town, county or school district, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. Incorporated volunteer fire companies, fire departments and incorporated volunteer ambulance services shall file lists of its enrolled members eligible for the exemption provided by this section with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

6. No applicant who is a volunteer firefighter or volunteer ambulance worker who, by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section, shall suffer any diminution of such benefit because of the provisions of this section.

7. (a) For the purposes of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(b) That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the building thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property. Upon the completion of the final assessment roll, or as soon thereafter as is practicable, the assessor shall forward to the cooperative apartment corporation a statement setting forth the exemption attributable to each eligible tenant-stockholder. The reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

(c) Every cooperative apartment corporation, upon receiving an exemption pursuant to this section, shall provide to each eligible tenant-stockholder a written statement detailing how the exemption is being credited to such eligible tenant-stockholder no later than sixty days after such cooperative apartment corporation receives such exemption.

(d) Real property may be exempt from taxation pursuant to this subdivision by a municipality in which such property is located only if the governing board of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor.

* NB There are 7 § 466-c's

* NB Repealed December 9, 2028

*** § 466-c. Volunteer firefighters and volunteer ambulance workers;**

certain county. 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than eighty-three thousand inhabitants but less than eighty-four thousand five hundred inhabitants, determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law,

ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 7 § 466-c's

* NB Repealed December 9, 2028

*** § 466-d. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of sixty-three thousand inhabitants but less than sixty-three thousand one hundred inhabitants, as determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special

district, county or school district purposes, exclusive of special assessments, provided that the governing body of a city, village, town, county or school district, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town, village or school district which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted

the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit due to the receipt of a tax exemption provided pursuant to the provisions of this section.

* NB There are 4 § 466-d's

* NB Repealed December 9, 2028

*** § 466-d. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service or such enrolled member and spouse residing in any county having a population of more than forty-four thousand one hundred inhabitants but less than forty-four thousand six hundred inhabitants, determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, school district, special district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, or county, after a public hearing, adopts a local law, ordinance, or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town, school district, or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality

offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 4 § 466-d's

* NB Repealed December 9, 2028

*** § 466-d. Volunteer firefighters and volunteer ambulance workers.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in a county which has a population of more than nine hundred thousand and less than nine hundred fifty thousand persons, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, school district, special district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

2. Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county only if:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this

section;

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification; and

(e) (i) for volunteer firefighters, the area served by the volunteer fire company does not encompass any area served by a fire company having five or more professional firefighters.

(ii) for volunteer ambulance workers, the area served by the volunteer ambulance company does not encompass any area served by an ambulance company having five or more professional ambulance workers.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such a county provided that the governing body of a city, village, town, school district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Any volunteer firefighter or volunteer ambulance worker of such county who is or becomes permanently disabled due to the exercise of his or her duties as such firefighter or ambulance worker and who is prevented from being certified as an active service member shall be entitled to the annual certification during the period of his or her disability.

5. Application for such exemption shall be filed with the assessor or

other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

6. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 4 § 466-d's

* NB Repealed December 9, 2028

*** § 466-d. Volunteer firefighters and volunteer ambulance workers; certain counties.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than two hundred eighteen thousand but less than two hundred twenty-three thousand as determined in accordance with the latest decennial census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town, or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes;

provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

- * NB There are 4 § 466-d's
- * NB Repealed December 9, 2028

*** § 466-e. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than one hundred forty-six thousand inhabitants but less than one hundred fifty thousand inhabitants, determined in accordance with the latest federal decennial census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, school district, fire district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire

department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality, school district and/or fire district which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 4 § 466-e's

* NB Repealed December 9, 2028

*** § 466-e. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an

incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of thirty-one thousand inhabitants but less than thirty-two thousand five hundred inhabitants, as determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, county or school district purposes, exclusive of special assessments, provided that the governing body of a city, village, town, county or school district, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town, village or school district which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the

procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit due to the receipt of a tax exemption provided pursuant to the provisions of this section.

* NB There are 4 § 466-e's

* NB Repealed December 9, 2028

*** § 466-e. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than twenty-six thousand inhabitants but less than twenty-seven thousand five hundred inhabitants, determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, county or school district purposes, exclusive of

special assessments, provided that the governing body of a village, town, city, county or school district, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town, village or school district which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the

remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a village, town, city, county or school district, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 4 § 466-e's

* NB Repealed December 9, 2028

*** § 466-e. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than two hundred twenty-five thousand inhabitants but less than two hundred fifty thousand inhabitants, determined in accordance with the two thousand federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an

incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form

as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 4 § 466-e's

* NB Repealed December 9, 2028

*** § 466-f. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than three hundred thousand inhabitants but less than three hundred fifty thousand inhabitants, determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for village, town, part town, special district, city, county purposes or school districts, exclusive of special assessments, provided that the governing body of a village, town, city, county or school district, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town, village or school district which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not

used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a village, town, city, county or school district, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 5 § 466-f's

* NB Repealed December 9, 2028

*** § 466-f. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than seventy-three thousand inhabitants but less than seventy-four thousand inhabitants, determined in accordance with the latest federal decennial census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, school district, fire district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has

been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality, school district and/or fire district which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 5 § 466-f's

* NB Repealed December 9, 2028

*** § 466-f. Volunteer firefighters and volunteer ambulance workers; certain counties.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing

in any county having a population of more than one hundred ten thousand inhabitants but less than one hundred thirteen thousand inhabitants, determined in accordance with the latest federal decennial census shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, school, or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, or county, after a public hearing, adopts a local law, ordinance, or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service unless:

(a) the applicant resides in the city, town, or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality, school district, and/or fire district which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within this state provided that the governing body of a city, village, town, school district, fire district, or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district, and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 5 § 466-f's

* NB Repealed December 9, 2028

*** § 466-f. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than forty-nine thousand and less than forty-nine thousand nine hundred inhabitants, determined in accordance with the latest federal decennial census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, school district, fire district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town,

school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality, school district and/or fire district which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 5 § 466-f's

* NB Repealed December 9, 2028

*** § 466-f. Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty.** Any local law or ordinance adopted pursuant to sections four hundred sixty-six, four hundred sixty-six-a, four hundred sixty-six-b, four hundred sixty-six-c, four hundred sixty-six-d, or four hundred sixty-six-e of this title may be amended, or a local law, ordinance or resolution may be adopted to continue any exemption claimed under such statutes by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, to such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty; provided, however, that:

1. such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who was killed in the line of duty, and

2. such deceased volunteer had been an enrolled member for at least five years, and

3. such deceased volunteer had been receiving the exemption prior to his or her death.

* NB There are 5 § 466-f's

* NB Repealed December 9, 2028

*** § 466-g. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than four hundred fifty-eight thousand inhabitants but less than four hundred sixty thousand inhabitants, determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, school district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village or town, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 2 § 466-g's

* NB Repealed December 9, 2028

*** § 466-g. Volunteer firefighters and volunteer ambulance workers;**

certain county. 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than two hundred thousand six hundred inhabitants but less than two hundred five thousand inhabitants, determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law,

ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 2 § 466-g's

* NB Repealed December 9, 2028

*** § 466-h. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than one hundred seventy-five thousand but not more than one hundred eighty thousand inhabitants, determined in accordance with the latest decennial federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special

district, school district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town, school district or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted

the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town, school district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB There are 2 § 466-h's

* NB Repealed December 9, 2028

*** § 466-h. Un-remarried spouses of deceased volunteer firefighters or volunteer ambulance workers.** Any local law or ordinance adopted pursuant to sections four hundred sixty-six, four hundred sixty-six-a, four hundred sixty-six-b, four hundred sixty-six-c, four hundred sixty-six-d, four hundred sixty-six-e, four hundred sixty-six-f or four hundred sixty-six-g of this title may be separately amended, or a local law, ordinance or resolution may be separately adopted to continue an exemption or reinstate a pre-existing exemption to an un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; provided, however, that:

1. such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary

ambulance service, and

2. such deceased volunteer had been an enrolled member for at least twenty years, and

3. such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

* NB There are 2 § 466-h's

* NB Repealed December 9, 2028

***§ 466-i. Volunteer firefighters and volunteer ambulance workers; certain counties.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than two hundred ninety-two thousand but less than two hundred ninety-seven thousand as determined in accordance with the latest decennial census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, school district, special district, or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor, provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town, or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not

used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town, school district, or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB Repealed December 9, 2028

*** § 466-j. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than seventy-nine thousand and less than eighty thousand inhabitants, determined in accordance with the latest federal decennial census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, school district, fire district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality, school district and/or fire

district which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB Repealed December 9, 2028

*** § 466-k. Volunteer firefighters and volunteer ambulance workers; certain county.** 1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than seven hundred thirty-five thousand and less than seven hundred fifty thousand inhabitants, based upon and recorded by the two thousand ten federal census, shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district,

school district, fire district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least two years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least two years. It shall be the duty and responsibility of the municipality, school district and/or fire district which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county provided that the governing body of a city,

village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

* NB Repealed December 9, 2028

§ 466-l. Extension of benefits. Any governing body of a city, village, town, county, or school district that has provided a real property tax exemption to volunteer firefighters and volunteer ambulance workers serving the municipality in which they reside as authorized by this chapter, notwithstanding any provision of this title to the contrary, is hereby authorized to adopt a local law or resolution to extend such real property tax exemption to any volunteer firefighter or volunteer ambulance worker who provides such volunteer services to a neighboring city, village, town, county, or school district.

§ 466-m. Ocean rescue squad members in certain municipalities. 1. (a) Real property owned by an enrolled member of an ocean rescue squad, or such enrolled member and spouse, residing in a town with a population between sixty-nine thousand and sixty-nine thousand fifty according to the two thousand twenty census shall be exempt from taxation to the extent of up to ten percent of the assessed value of such property for city, village, town, part town, special district, school district, fire district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, fire

district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

(b) For the purposes of this section, an ocean rescue squad shall mean an entity that has been deemed as an emergency rescue squad and first aid squad by resolution of the governing body of each municipality, pursuant to state law or special act of the legislature.

2. Such exemption shall not be granted to an enrolled member of an ocean rescue squad residing in such town unless:

(a) the applicant resides in the city, town or village which is served by such ocean rescue squad;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the ocean rescue squad, as determined by the governing body of a city, village, town, school district, fire district or county; provided, however, that such governing body shall establish a minimum service requirement for each applicant between two years of service and five years of service. It shall be the duty and responsibility of the governing body of each municipality to determine the procedure for certification.

3. Any enrolled member of an ocean rescue squad who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for such ocean rescue squad, shall be granted the ten percent exemption as authorized by this section for the remainder of such member's life as long as such member's primary residence is located within such applicable town provided that the governing body of each municipality, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Un-remarried spouses of ocean rescue squad members killed in the

line of duty. Any local law or ordinance adopted pursuant to this section may be separately amended, or a local law, ordinance or resolution may be separately adopted to continue an exemption or reinstate a pre-existing exemption claimed under such statutes by an enrolled member of an ocean rescue squad, to such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty; provided, however, that:

(a) such un-remarried spouse is certified by the authority having jurisdiction for the applicable ocean rescue squad as an un-remarried spouse of an enrolled member of an ocean rescue squad who was killed in the line of duty; and

(b) such deceased member had been an enrolled member for at least five years; and

(c) such deceased member had been receiving the exemption prior to such member's death.

5. Un-remarried spouses of deceased ocean rescue squad members. Any local law or ordinance adopted pursuant to this section may be separately amended, or a local law, ordinance or resolution may be separately adopted to continue an exemption or reinstate a pre-existing exemption to an un-remarried spouse of a deceased enrolled member of an ocean rescue squad; provided, however, that:

(a) such un-remarried spouse is certified by the authority having jurisdiction for the applicable ocean rescue squad as an un-remarried spouse of a deceased enrolled member of such incorporated ocean rescue squad; and

(b) such deceased member had been an enrolled member for at least twenty years; and

(c) such deceased member and un-remarried spouse had been receiving the exemption for such property prior to the death of such member.

6. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

7. No applicant who is an ocean rescue squad member who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

§ 466-n. Ocean rescue squad members; certain municipalities. 1. (a) Real property owned by an enrolled member of an ocean rescue squad, or such enrolled member and spouse, residing in a town with a population between twenty-eight thousand three hundred seventy and twenty-eight thousand four hundred according to the two thousand twenty census shall be exempt from taxation to the extent of up to ten percent of the assessed value of such property for city, village, town, part town, special district, school district, fire district or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, school district, fire district or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

(b) For the purposes of this section, an ocean rescue squad shall mean an entity that has been deemed as an emergency rescue squad and first aid squad by resolution of the governing body of each municipality pursuant to state law or special act of the legislature.

2. Such exemption shall not be granted to an enrolled member of an ocean rescue squad residing in such town unless:

(a) the applicant resides in the city, town or village which is served by such ocean rescue squad;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the ocean rescue squad, as determined by the governing body of a city, village, town, school district, fire district or county;

provided, however, that such governing body shall establish a minimum service requirement for each applicant between two years of service and five years of service. It shall be the duty and responsibility of the governing body of each municipality to determine the procedure for certification.

3. Any enrolled member of an ocean rescue squad who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for such ocean rescue squad, shall be granted the ten percent exemption as authorized by this section for the remainder of their life as long as their primary residence is located within such applicable town provided that the governing body of each municipality after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Any local law or ordinance adopted pursuant to this section may be separately amended, or a local law, ordinance or resolution may be separately adopted to continue an exemption or reinstate a pre-existing exemption claimed under such statutes by an enrolled member of an ocean rescue squad, to such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty; provided, however, that:

(a) such un-remarried spouse is certified by the authority having jurisdiction for the applicable ocean rescue squad as an un-remarried spouse of an enrolled member of an ocean rescue squad who was killed in the line of duty;

(b) such deceased member had been an enrolled member for at least five years; and

(c) such deceased member had been receiving the exemption prior to their death.

5. Any local law or ordinance adopted pursuant to this section may be separately amended, or a local law, ordinance or resolution may be separately adopted to continue an exemption or reinstate a pre-existing exemption to an un-remarried spouse of a deceased enrolled member of an ocean rescue squad; provided, however, that:

(a) such un-remarried spouse is certified by the authority having jurisdiction for the applicable ocean rescue squad as an un-remarried

spouse of a deceased enrolled member of such incorporated ocean rescue squad;

(b) such deceased member had been an enrolled member for at least twenty years; and

(c) such deceased member and un-remarried spouse had been receiving the exemption for such property prior to the death of such member.

6. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.

7. No applicant who is an ocean rescue squad member who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

§ 467. Persons sixty-five years of age or over. 1. * (a) Real property owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by a married couple or by siblings, one of whom is sixty-five years of age or over, or real property owned by one or more persons, some of whom qualify under this section and the others of whom qualify under section four hundred fifty-nine-c of this title, shall be exempt from payments in lieu of taxes (PILOT) to the battery park city authority or from taxation by any municipal corporation in which located to the extent of fifty per centum of the assessed valuation thereof, provided the governing board of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor. For the purposes of this section, the term "sibling" shall include persons whose relationship as siblings has been established through either half blood, whole blood or adoption.

* NB Effective until July 1, 2027

* (a) Real property owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by a married couple or by siblings, one of whom is sixty-five years of age or over,

or real property owned by one or more persons, some of whom qualify under this section and the others of whom qualify under section four hundred fifty-nine-c of this title, shall be exempt from payments in lieu of taxes (PILOT) to the battery park city authority or from taxation by any municipal corporation in which located to the extent of fifty per centum of the assessed valuation thereof, provided the governing board of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor, and provided further that such local law, ordinance or resolution shall be enacted or amended separately from any other local law, ordinance, or resolution authorized pursuant to a section of this article other than (i) this section or (ii) section four hundred fifty-nine-c of this title. For the purposes of this section, the term "sibling" shall include persons whose relationship as siblings has been established through either half blood, whole blood or adoption.

* NB Effective July 1, 2027

(b) (1) Any local law, ordinance or resolution adopted pursuant to paragraph (a) of this subdivision may be amended, or a local law, ordinance or resolution may be adopted, to provide an exemption so as to increase the maximum income eligibility level of such municipal corporation as provided in subdivision three of this section (represented in the hereinbelow schedule as M), to the extent provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION OR PILOT
More than (M) but less than (M+ \$1,000)	45 per centum
(M+ \$1,000 or more) but less than (M+ \$2,000)	40 per centum
(M+ \$2,000 or more) but less than (M+ \$3,000)	35 per centum
(M+ \$3,000 or more) but less than (M+ \$3,900)	30 per centum
(M+ \$3,900 or more) but less than (M+ \$4,800)	25 per centum
(M+ \$4,800 or more) but less than (M+ \$5,700)	20 per centum

(2) Any local law, ordinance or resolution adopted pursuant to subparagraph one of this paragraph may be amended, or a local law, ordinance or resolution may be adopted, to provide an exemption so as to increase the maximum income eligibility level of such municipal corporation as provided in subdivision three of this section (represented in the hereinbelow schedule as M), and as increased as provided for in such subparagraph one to the extent provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION OR PILOT
(M+ \$5,700 or more) but less than (M+ \$6,600)	15 per centum
(M+ \$6,600 or more) but less than (M+ \$7,500)	10 per centum

(3) Any local law, ordinance or resolution adopted pursuant to subparagraphs one and two of this paragraph may be amended, or a local law, ordinance or resolution may be adopted, to provide an exemption so as to increase the maximum income eligibility level of such municipal corporation as provided in subdivision three of this section (represented in the hereinbelow schedule as M), and as increased as provided for in such subparagraph one to the extent provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION OR PILOT
(M+ \$7,500 or more) but less than (M+ \$8,400)	5 per centum

(4) Notwithstanding the maximum exemption percentage permitted pursuant to paragraph (a) of this subdivision, any local law, ordinance or resolution adopted pursuant to this section may be amended, or a local law, ordinance or resolution may be adopted, to create additional annual income categories and corresponding exemption percentages for households making less than the maximum income eligibility level of such municipal corporation as provided in this subdivision (represented in the hereinbelow schedule as M) pursuant to the following schedule:

ANNUAL INCOME	PERCENTAGE OF ASSESSED VALUATION EXEMPT FROM TAXATION
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Less than (M) but

more than (M- \$1,000)	50%
Less than (M- \$1,000) but	
more than (M- \$2,000)	55%
Less than (M- \$2,000) but	60%
more than (M- \$3,000); and	
Less than (M- \$3,000)	65%

(c) Any exemption provided by this section shall be computed after all other partial exemptions allowed by law, excluding the school tax relief (STAR) exemption authorized by section four hundred twenty-five of this title, have been subtracted from the total amount assessed.

(d) The real property tax or PILOT exemption on real property owned by a married couple, one of whom is sixty-five years of age or over, once granted, shall not be rescinded by any municipal corporation solely because of the death of the older spouse so long as the surviving spouse is at least sixty-two years of age.

2. Exemption from taxation for school purposes shall not be granted in the case of real property where a child resides if such child attends a public school of elementary or secondary education, unless the governing board of the school district in which the property is located, after public hearing, adopts a resolution providing for such exemption; provided that any such resolution shall condition such exemption upon satisfactory proof that the child was not brought into the residence in whole or in substantial part for the purpose of attending a particular school within the district. The procedure for such hearing and resolution must be conducted separately from the procedure for any hearing and local law, ordinance or resolution conducted pursuant to paragraph (a) of subdivision one of this section.

3. No exemption shall be granted:

(a)* (i) if the income of the owner or the combined income of the owners of the property for the applicable income tax year exceeds the sum of three thousand dollars, or such other sum not less than three thousand dollars nor more than fifty thousand dollars, as may be provided by the local law, ordinance or resolution adopted pursuant to this section.

* NB Effective until July 1, 2027

* (i) if the income of the owner or the combined income of the owners of the property for the applicable income tax year exceeds the sum of three thousand dollars, or such other sum not less than three thousand dollars nor more than seventy-five thousand dollars beginning July first, two thousand twenty-seven, as may be provided by the local law, ordinance or resolution adopted pursuant to this section.

* NB Effective July 1, 2027

(ii) Where the taxable status date is on or before April fourteenth, the applicable income tax year shall be the second most recent calendar year. Where the taxable status date is on or after April fifteenth, the applicable income tax year shall be the most recent calendar year. Provided, however, that for taxpayers whose income tax returns are filed on the basis of a fiscal year rather than a calendar year, the applicable income tax year shall be the most recent fiscal year for which an income tax return has been filed.

(iii) Where title is vested in a married person, the combined income of such person and such person's spouse may not exceed such sum, except where one spouse or ex-spouse is absent from the property as provided in subparagraph (ii) of paragraph (d) of this subdivision, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

(iv) The term "income" as used herein shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions, plus any social security benefits not included in such federal adjusted gross income; provided that if no such return was filed for the applicable income tax year, the applicant's income shall be determined based on the amounts that would have so been reported if such a return had been filed; and provided further, that when determining income for purposes of this section, the following conditions shall be applicable:

(1) the governing body of a municipal corporation, after a public hearing, may adopt a local law, ordinance or resolution providing that any social security benefits that were not included in the applicant's federal adjusted gross income shall not be considered income;

(2) distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's

federal adjusted gross income shall not be considered income unless the governing body of a municipal corporation, after a public hearing, adopts a local law, ordinance or resolution providing otherwise;

(3) the applicant's income shall be offset by all medical and prescription drug expenses actually paid that were not reimbursed or paid for by insurance, if the governing board of a municipal corporation, after a public hearing, adopts a local law, ordinance or resolution providing therefor;

(4) any tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income shall be considered income; and

(5) any losses that were applied to reduce the applicant's federal adjusted gross income shall be subject to the following limitations:

(A) the net amount of loss reported on federal Schedule C, D, E, or F shall not exceed three thousand dollars per schedule,

(B) the net amount of any other separate category of loss shall not exceed three thousand dollars, and

(C) the aggregate amount of all losses shall not exceed fifteen thousand dollars;

(v) Notwithstanding subparagraph (iv) of this paragraph, in a city having a population of one million persons or more:

(1) Except as provided in clause two of this subparagraph, the term "income" as used in this section shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the most recent income tax year or years for which data is sufficiently available to determine the applicant's eligibility for exemptions pursuant to this section, subject to any subsequent amendments or revisions, minus any distributions, to the extent included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity; provided that if no such return was filed for such income tax year, the applicant's income shall be determined based on the amounts that would have so been reported if such a return had been filed; and

(2) If an owner who has received an exemption pursuant to this section for a property on an assessment roll for a tax year ending on or before June thirtieth, two thousand twenty-four would receive a greater exemption for any tax year ending on or after June thirtieth, two

thousand twenty-five, the term "income" shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286 or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the governing board of a municipality, a public hearing, adopts a local law or resolution providing therefor. In addition, an exchange of an annuity for an annuity contract, which resulted in non-taxable gain, as determined in section one thousand thirty-five of the internal revenue code, shall be excluded from such income. Provided that such exclusion shall be based on satisfactory proof that such an exchange was solely an exchange of an annuity for an annuity contract that resulted in a non-taxable transfer determined by such section of the internal revenue code. Furthermore, such income shall not include the proceeds of a reverse mortgage, as authorized by section six-h of the banking law, and sections two hundred eighty and two hundred eighty-a of the real property law; provided, however, that monies used to repay a reverse mortgage may not be deducted from income, and provided additionally that any interest or dividends realized from the investment of reverse mortgage proceeds shall be considered income. The provisions of this paragraph notwithstanding, such income shall not include veterans disability compensation, as defined in Title 38 of the United States Code provided the governing board of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

(b) unless the owner shall have held an exemption under this section for the owner's previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least twelve consecutive months prior to the date of making

application for exemption, provided, however, that in the event of the death of a married person in whose name title of the property shall have been vested at the time of death and then becomes vested solely in such person's surviving spouse by virtue of devise by or descent from the deceased spouse, the time of ownership of the property by the deceased spouse shall be deemed also a time of ownership by the surviving spouse and such ownership shall be deemed continuous for the purposes of computing such period of twelve consecutive months. In the event of a transfer by a married person to such person's spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of twelve consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section. Where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which as of the date of transfer was exempt from taxation or PILOT under the provisions of this section, the reacquisition of title by such owner or owners within nine months of the date of transfer shall be deemed to satisfy the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of twelve consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property which as of the date of such death was exempt from taxation or PILOT under such provisions, becomes vested, by virtue of devise or descent from the deceased owner or owners, or by transfer by any other means within nine months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this paragraph that the title of the property shall have been vested in the owner or one of

the owners for such period of twelve consecutive months shall be deemed satisfied;

(c) unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation or PILOT and the remaining portion only shall be entitled to the exemption provided by this section;

(d) unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property: except where, (i) an owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section twenty-eight hundred one of the public health law, provided that any income accruing to that person shall only be income only to the extent that it exceeds the amount paid by such owner, spouse, or co-owner for care in the facility, and provided further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; or, (ii) the real property is owned by a married person or a married couple, or by a formerly married person or a formerly married couple, and one spouse or ex-spouse is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be sixty-two years of age or over.

3-a. (a) For the purposes of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by the tenant-stockholder's share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(b) That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment

corporation in which such tenant-stockholder resides shall be subject to exemption from taxation or PILOT pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes or PILOT realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes or PILOT otherwise payable by or chargeable to such tenant-stockholder.

(c) Real property may be exempt from taxation or PILOT pursuant to this subdivision by a municipality in which such property is located only if the governing board of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor. Notwithstanding any provision of law to the contrary, any local law, ordinance or resolution adopted pursuant to this paragraph may provide, or be amended to provide, that a tenant-stockholder who resides in a dwelling which is subject to the provisions of either article two, four, five or eleven of the private housing finance law and who is eligible for a rent increase exemption pursuant to section four hundred sixty-seven-c of this title shall not be eligible for an exemption pursuant to this subdivision and that a tenant-stockholder who resides in a dwelling which is subject to the provisions of either article two, four, five or eleven of the private housing finance law and who is not eligible for a rent increase exemption pursuant to section four hundred sixty-seven-c of this title but who meets the requirements for eligibility for an exemption pursuant to this section shall be eligible for such exemption provided that such exemption shall be in an amount determined by multiplying the exemption otherwise allowable pursuant to this section by a fraction having a numerator equal to the amount of real property taxes or payments in lieu of taxes that were paid with respect to such dwelling and a denominator equal to the full amount of real property taxes that would have been owed with respect to such dwelling had it not been granted an exemption or abatement of real property taxes pursuant to any provision of law, provided, however, that any reduction in real property taxes received with respect to such dwelling pursuant to this section or section four hundred sixty-seven-c of this title shall not be considered in calculating such numerator. Any such local law, ordinance or resolution that so provides, or is amended

to so provide, shall also provide that a tenant-stockholder who resides in a dwelling which was or continues to be subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended, and who is eligible for both a rent increase exemption pursuant to section four hundred sixty-seven-c of this title and an exemption pursuant to this subdivision, may apply for and receive either a rent increase exemption pursuant to section four hundred sixty-seven-c of this title or an exemption pursuant to this subdivision, but not both.

3-b. The commissioner shall develop, make available and distribute to any municipal corporation which requests it, a form for the purpose of administering the provisions of paragraph (a) of subdivision three of this section.

4. Every municipal corporation in which such real property is located shall notify, or cause to be notified, each person owning residential real property in such municipal corporation of the provisions of this section. The provisions of this subdivision may be met by a notice or legend sent on or with each tax or PILOT bill to such persons reading substantially as set forth in subdivision one-c of section nine hundred twenty-two of this chapter. Each cooperative apartment corporation shall notify each tenant-stockholder thereof in residence of such provisions as set forth herein. Failure to notify, or cause to be notified any person who is in fact, eligible to receive the exemption provided by this section or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes or PILOT on property owned by such person. A second copy of the notice required by this subdivision shall be sent thirty days prior to the filing deadline.

4-a. (a) A senior citizen eligible for the exemption provided for in subdivision one of this section may request that a notice be sent to an adult third party. Such request shall be made on a form prescribed by the commissioner and shall be submitted to the assessor of the assessing unit in which the eligible taxpayer resides no later than sixty days before the last application date for the first taxable status date to

which it is to apply. Such form shall provide a section whereby the designated third party shall consent to such designation. Such request shall be effective upon receipt by the assessor. The assessor shall maintain a list of all eligible property owners who have requested notices pursuant to this paragraph.

(b) A notice shall be sent to the designated third party at least thirty days prior to the last application date for each ensuing taxable status date; provided that no such notice need be sent in the first year if the request was not received by the assessor at least sixty days before the last application date for the applicable taxable status date. Such notice shall read substantially as follows: "On behalf of (identify senior citizen or citizens), you are advised that his, her, or their renewal application for the senior exemption must be filed with the assessor no later than (enter date). You are encouraged to remind him, her, or them of that fact, and to offer assistance if needed, although you are under no legal obligation to do so. Your cooperation and assistance are greatly appreciated."

(c) A notice shall be sent to the designated third party whenever the assessor sends a notice to the senior citizen regarding the possible removal of the senior exemption. Such notice shall read substantially as follows: "On behalf of (identify senior citizen or citizens), you are advised that his, her, or their senior exemption is at risk of being removed. You are encouraged to make sure that he, she or they are aware of that fact, and to offer assistance if needed, although you are under no legal obligation to do so. Your cooperation and assistance are greatly appreciated."

(d) The obligation to mail such notices shall cease if the eligible taxpayer cancels the request or ceases to qualify for the senior exemption.

(e) Failure to mail any notice required by this subdivision, or the failure of a party to receive same, shall not affect the validity of the levy, collection, or enforcement of taxes or PILOT on property owned by such person, or in the case of a third party notice, on property owned by the senior citizen.

5. Application for such exemption must be made by the owner, or all of the owners of the property, on forms prescribed by the commissioner to

be furnished by the appropriate assessing authority and shall furnish the information and be executed in the manner required or prescribed in such forms, and shall be filed in such assessor's office on or before the appropriate taxable status date. Notwithstanding any other provision of law, at the option of the municipal corporation, any person otherwise qualifying under this section shall not be denied the exemption under this section if such person becomes sixty-five years of age after the appropriate taxable status date and on or before December thirty-first of the same year.

5-a. Any local law or ordinance adopted pursuant to paragraph (a) of subdivision one of this section may be amended, or a local law or ordinance may be adopted to provide, notwithstanding subdivision five of this section, that an application for such exemption may be filed with the assessor after the appropriate taxable status date but not later than the last date on which a petition with respect to complaints of assessment may be filed, where failure to file a timely application resulted from: (a) a death of the applicant's spouse, child, parent or sibling; or (b) an illness of the applicant or of the applicant's spouse, child, parent or sibling, which actually prevents the applicant from filing on a timely basis, as certified by a licensed physician. The assessor shall approve or deny such application as if it had been filed on or before the taxable status date.

5-b. Notwithstanding the provisions of this section or any other provision of law, a county with an annual taxable status date of January first or January second and with a population of one million or more, may, at its option and by amendment or adoption of a local law or ordinance, authorize its assessor to accept applications for the exemption from real property taxes or PILOT authorized pursuant to this section on a date later than such county's statutory deadline date for receiving applications for such exemption. Any application filed later than such statutory deadline date which is in compliance with such local law or ordinance amended or adopted pursuant to this subdivision and which meets all other necessary requirements for granting the exemption authorized by this section shall be deemed to have been timely filed prior to such statutory deadline date, and any individual or individuals

for whom such an application has been filed shall be granted such exemption and shall receive such exemption on the assessment rolls prepared for such county on the basis of the taxable status date immediately preceding the date such application was filed.

5-c. Notwithstanding the provisions of this section or any other provision of law, in a city having a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth day of March of the appropriate year.

6. (a) At least sixty days prior to the appropriate taxable status date, the assessing authority shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to be granted. The assessing authority shall, within three days of the completion and filing of the tentative assessment roll, notify by mail any applicant whose application includes at least one self-addressed, pre-paid envelope, of the approval or denial of the application; provided, however, that the assessing authority shall, upon the receipt and filing of the application, send by mail notification of receipt to any applicant who has included two of such envelopes with the application. Where an applicant is entitled to a notice of denial pursuant to this subdivision, such notice shall be on a form prescribed by the commissioner and shall state the reasons for such denial and shall further state that the applicant may have such determination reviewed in the manner provided by law. Failure to mail any such application form or notices or the failure of such person to receive any of the same shall not prevent the levy, collection and enforcement of the payment of the taxes or PILOT on property owned by such person.

(b) Except in cities of one million or more, any person who has been granted exemption pursuant to this section on five (5) consecutive completed assessment rolls, including any years when the exemption was granted to a property owned by a married person or a married couple while both spouses resided in such property, shall not be subject to the requirements set forth in paragraph (a) of this subdivision provided the

governing board of the municipality in which said property is situated after public hearing adopts a local law, ordinance or resolution providing therefor however said person shall be mailed an application form and a notice setting forth such person's rights. Such exemption shall be automatically granted on each subsequent assessment roll. Provided, however, that when tax payment is made by such person a sworn affidavit must be included with such payment which shall state that such person continues to be eligible for such exemption. Such affidavit shall be on a form prescribed by the commissioner. If such affidavit is not included with the tax payment, the collecting officer shall proceed pursuant to section five hundred fifty-one-a of this chapter.

(c) In cities of one million or more, any person who has been granted exemption pursuant to this section shall file the completed application with the appropriate assessing authority every twenty-four months from the date such exemption was granted without the necessity of having been granted exemption pursuant to this section on five (5) consecutive completed assessment rolls including any years when the exemption was granted to a property owned by a married person or a married couple while both spouses resided in such property.

7. Any conviction of having made any wilful false statement in the application for such exemption, shall be punishable by a fine of not more than one hundred dollars and shall disqualify the applicant or applicants from further exemption for a period of five years.

8. Notwithstanding the provisions of subdivisions five and six of this section, the local governing body of a city, town, village or county having the power to assess may adopt a local law authorizing the assessor or assessors of such city, town, village or county to accept applications for renewal of exemptions pursuant to this section after taxable status date. Such local law shall provide that in the event the owner, or all of the owners, of property which has received an exemption pursuant to this section on the preceding assessment roll fail to file the application required pursuant to this section on or before taxable status date such owner or owners may file the application, executed as if such application had been filed on or before the taxable status date, with the assessor on or before the date for the hearing of complaints.

8-a. Notwithstanding any provision of law to the contrary, the local governing body of a municipal corporation that is authorized to adopt a local law pursuant to subdivision eight of this section is further authorized to adopt a local law providing that where a renewal application for the exemption authorized by this section has not been filed on or before the taxable status date, and the owner believes that good cause existed for the failure to file the renewal application by that date, the owner may, no later than the last day for paying taxes or PILOT without incurring interest or penalty, submit a written request to the assessor asking the assessor to extend the filing deadline and grant the exemption. Such request shall contain an explanation of why the deadline was missed, and shall be accompanied by a renewal application, reflecting the facts and circumstances as they existed on the taxable status date. The assessor may extend the filing deadline and grant the exemption if the assessor is satisfied that (i) good cause existed for the failure to file the renewal application by the taxable status date, and that (ii) the applicant is otherwise entitled to the exemption. The assessor shall make a determination and mail notice thereof to the owner. If the determination states that the assessor has granted the exemption, 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 that person to make the appropriate corrections. If the correction is not made before taxes are levied, the failure to take the exemption into account in the computation of the tax shall be deemed a "clerical error" for purposes of title three of article five of this chapter, and shall be corrected accordingly.

9. (a) (i) Notwithstanding the provisions of subdivision five of this section, where a person who meets the requirements for an exemption pursuant to this section, purchases property after the levy of taxes or PILOT, such person may file an application for exemption to the assessor within thirty days of the transfer of title to such person. The assessor shall make a determination of whether the parcel would have qualified for exempt status for PILOT or on the tax roll on which the taxes were levied, had title to the parcel been in the name of the applicant on the

taxable status date applicable to the tax roll. The application shall be on a form prescribed by the commissioner. The assessor, no later than thirty days after receipt of such application, shall notify both the applicant and the board of assessment review, by first class mail, of the exempt amount, if any, and the right of the owner to a review of the exempt amount upon the filing of a written complaint. Such complaint shall be on a form prescribed by the commissioner and shall be filed with the board of assessment review within twenty days of the mailing of this notice. If no complaint is received, the board of assessment review shall so notify the assessor and the exempt amount determined by the assessor shall be final. If the applicant files a complaint, the board of assessment review shall schedule a time and place for a hearing with respect thereto no later than thirty days after the mailing of the notice by the assessor. The board of assessment review shall meet and determine the exempt amount, and shall immediately notify the assessor and the applicant, by first class mail, of its determination. The amount of exemption determined pursuant to this paragraph shall be subject to review as provided in article seven of this chapter. Such a proceeding shall be commenced within thirty days of the mailing of the notice of the board of assessment review to the new owner as provided in this paragraph.

(ii) Upon receipt of a determination of exempt amount as provided in subparagraph (i) of this paragraph, the assessor shall determine the pro rata exemption to be credited toward such property by multiplying the tax rate or tax rates for each municipal corporation which levied taxes, or for which taxes were levied, on the appropriate tax roll used for the fiscal year or years during which the transfer occurred times the exempt amount, as determined in subparagraph (i) of this paragraph, times the fraction of each fiscal year or years remaining subsequent to the transfer of title. The assessor shall immediately transmit a statement of the pro rata exemption credit due to each municipal corporation which levied taxes or for which taxes were levied on the tax roll used for the fiscal year or years during which the transfer occurred and to the applicant.

(iii) Each municipal corporation which receives notice of pro rata exemption credits pursuant to this subdivision shall include an appropriation in its budget for the next fiscal year equal to the

aggregate amount of such credits to be applied in that fiscal year. Where a parcel, the owner of which is entitled to a pro rata exemption credit, is subject to taxation or PILOT in said next fiscal year, the receiver or collector shall apply the credit to reduce the amount of taxes or PILOT owed for the parcel in such fiscal year. Pro rata exemption credits in excess of the amount of taxes or PILOT, if any, owed for the parcel shall be paid by the treasurer of a municipal corporation which levies such taxes or PILOT for or on behalf of the municipal corporation to all owners of property entitled to such credits within thirty days of the expiration of the warrant to collect taxes or the deadline to pay PILOT in said next fiscal year.

(b) (i) Notwithstanding the provisions of subdivision five of this section, where a person who meets the requirements for an exemption pursuant to this section, purchases property after the taxable status date but prior to the levy of taxes or PILOT, such person may file an application for an exemption to the assessor within thirty days of the transfer of title to such person. The assessor shall make a determination within thirty days after receipt of such application of whether the applicant would qualify for an exemption pursuant to this section on the assessment roll if title had been in the name of the applicant on the taxable status date applicable to such assessment roll. The application shall be made on a form prescribed by the commissioner.

(ii) If the assessor's determination is made prior to the filing of the tentative assessment roll, the assessor shall enter the exempt amount, if any, on the tentative assessment roll and, within ten days after filing such roll, notify the applicant of the approval or denial of such exemption, the exempt amount, if any, and the applicant's right to review by the board of assessment review.

(iii) If the assessor's determination is made after the filing of the tentative assessment roll, the assessor shall petition the board of assessment review to correct the tentative or final assessment roll in the manner provided in title three of article five of this chapter, with respect to unlawful entries, in the case of wholly exempt parcels, and with respect of clerical errors, in the case of partially exempt parcels, if the assessor determines that an exemption should be granted and, within ten days of petitioning the board of assessment review, notify the applicant of the approval or denial of such exemption, the

amount of such exemption, if any, and the applicant's right to administrative or judicial review of such determination pursuant to article five or seven of this chapter, respectively.

(c) If, for any reason, a determination to exempt property from taxation as provided in paragraph (b) of this subdivision is not entered on the final assessment roll, the assessor shall petition the board of assessment review to correct the final assessment roll.

(d) If, for any reason, the pro rata tax or PILOT credit as provided in paragraph (a) of this subdivision is not extended against the tax roll immediately succeeding the fiscal year during which the transfer occurred, the assessor shall immediately notify the municipal corporation which levied the tax or PILOT amount or for which the taxes or PILOT were levied of the amount of pro rata exemption credits for the year in which such transfer occurred. Such municipal corporation shall proceed as provided in subparagraph (iii) of paragraph (a) of this subdivision.

(e) If, for any reason, a determination to exempt property from taxation or PILOT as provided in paragraph (b) of this subdivision is not entered on the tax roll for the year immediately succeeding the fiscal year during which the transfer occurred, the assessor shall determine the pro rata tax exemption credit for such tax roll by multiplying the tax rate or tax rates for each municipal corporation which levied taxes or for which taxes were levied times the exempt amount and shall immediately notify such municipal corporation or corporations of the pro rata exemption credits for such tax roll. Such municipal corporation shall add such pro rata exemption credits for such property to any outstanding pro rata exemption amounts and proceed as provided in subparagraph (iii) of paragraph (a) of this subdivision.

10. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property in which a person or persons hold a legal life estate or which is held in trust solely for the benefit of a person or persons if such person or persons would otherwise be eligible for a real property tax or PILOT exemption, pursuant to subdivision one of this section, were such person or persons the owner or owners of such real property.

11. (a) Notwithstanding any provision of law to the contrary, upon the request of an assessor, the commissioner may disclose to the assessor the names and addresses of the owners of property in that assessor's assessing unit who are receiving the enhanced STAR exemption or enhanced STAR credit and whose federal adjusted gross income is less than the uppermost amount specified by subparagraph three of paragraph (b) of subdivision one of this section (represented therein as $M + \$8,400$). Such amount shall be determined without regard to any local options that the municipal corporation may or may not have exercised in relation to increasing or decreasing the maximum income eligibility level authorized by this section, provided that the amount so determined for a city with a population of one million or more shall take into account the distinct maximum income eligibility level established for such city by paragraph (a) of subdivision three of this section. In no case shall the commissioner disclose to an assessor the amount of an owner's federal adjusted gross income.

(b) The assessor may use the information contained in such a report to contact those owners who are not already receiving the exemption authorized by this section and to suggest that they consider applying for it. Provided, however, that nothing contained herein shall be construed as enabling any person or persons to qualify for the exemption authorized by this section on the basis of their federal adjusted gross income, rather than on the basis of their income as determined pursuant to the provisions of paragraph (a) of subdivision three of this section.

(c) Information disclosed to an assessor pursuant to this subdivision shall be used only for purposes of real property tax administration. It shall be deemed confidential otherwise, and shall not be subject to the provisions of article six of the public officers law.

§ 467-a. Partial tax abatement for residential real property held in the cooperative or condominium form of ownership in a city having a population of one million or more. 1. Definitions. As used in this section:

(a) "Applicant" means the board of managers of a condominium or the board of directors of a cooperative apartment corporation, provided that, in addition, the commissioner of finance shall by rule designate

the owner of a dwelling unit (the "unit owner") or shareholder of the corporation having the proprietary lease for an apartment (a "shareholder") as an applicant for the limited purpose of submitting information to verify the primary residence of the unit owner or shareholder.

(b) "Average unit assessed value" means the residential proportion of a property multiplied by the total assessed value of the property divided by the number of dwelling units therein on the applicable taxable status date for the fiscal year for which an application is made for partial abatement of real property taxes pursuant to this section.

(c) "Billable assessed value" means the lesser of the taxable transitional assessed value, as computed pursuant to subdivision three of section eighteen hundred five of this chapter, or taxable assessed value of a property.

(d) "Commissioner of finance" means the commissioner of finance of a city having a population of one million or more, or his or her designee.

(e) "Dwelling unit" means a unit used primarily for residential purposes and not primarily for professional or commercial purposes.

(f) "Property" means real property designated as class two, pursuant to section eighteen hundred two of this chapter, held in the cooperative or condominium form of ownership.

(g) "Residential proportion" of a property held in the cooperative form of ownership means the percentage of shares of the cooperative apartment corporation allocated to dwelling units. "Residential proportion" of a property held in the condominium form of ownership means the percentage of common interest allocated to dwelling units.

(h) "Sponsors" means persons or business entities who make or take part in a public offering or sale of securities consisting primarily of shares or investments in real estate, including condominium units and other cooperative interests in realty. Sponsors shall be deemed to include successors who succeed to the rights and assume the obligations of sponsors.

(i) "Prevailing wage" means the rate of wages and supplemental benefits paid in the locality to workers in the same trade or occupation and annually determined by the fiscal officer in accordance with the provisions of section two hundred thirty-four of the labor law.

(j) "Qualified property" means (i) a property with an average unit

assessed value of less than or equal to sixty thousand dollars; or (ii) a property with an average unit assessed value of more than sixty thousand dollars and less than or equal to one hundred thousand dollars, and less than thirty dwelling units; or (iii) a property with respect to which an applicant has submitted an affidavit certifying that all building service employees employed or to be employed at the property shall receive the applicable prevailing wage for the duration of such property's tax abatement.

(k) "Building service employee" means any person who is regularly employed at a building who performs work in connection with the care or maintenance of such building. "Building service employee" includes, but is not limited to, watchman, guard, doorman, building cleaner, porter, handyman, janitor, gardener, groundskeeper, elevator operator and starter, and window cleaner, but shall not include persons regularly scheduled to work fewer than eight hours per week in the building.

(l) "Fiscal officer" means the comptroller of the city of New York.

2. (a) In a city having a population of one million or more, dwelling units owned by unit owners who, as of the applicable taxable status date, own no more than three dwelling units in any one property held in the condominium form of ownership, shall be eligible to receive a partial abatement of real property taxes, as set forth in paragraphs (c), (d), (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of this subdivision; provided, however, that a property held in the condominium form of ownership that is receiving complete or partial real property tax exemption or tax abatement pursuant to any other provision of this chapter or any other state or local law, except as provided in paragraph (f) of this subdivision, shall not be eligible to receive a partial abatement pursuant to this section; and provided, further, that sponsors shall not be eligible to receive a partial abatement pursuant to this section; and provided, further, that in the fiscal years commencing in calendar years two thousand twelve through two thousand twenty-six no more than a maximum of three dwelling units owned by any unit owner in a single building, one of which must be the primary residence of such unit owner, shall be eligible to receive a partial abatement pursuant to paragraphs (d-1), (d-2), (d-3) and (d-4) of this subdivision.

(b) In a city having a population of one million or more, dwelling

units owned by tenant-stockholders who, as of the applicable taxable status date, own no more than three dwelling units in any one property held in the cooperative form of ownership, shall be eligible to receive a partial abatement of real property taxes, as set forth in paragraphs (c), (d), (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of this subdivision; provided, however, that a property held in the cooperative form of ownership that is receiving complete or partial real property tax exemption or tax abatement pursuant to any other provision of this chapter or any other state or local law, except as provided in paragraph (f) of this subdivision, shall not be eligible to receive a partial abatement pursuant to this section; and provided, further, that sponsors shall not be eligible to receive a partial abatement pursuant to this section; and provided, further, that in the fiscal years commencing in calendar years two thousand twelve through two thousand twenty-six no more than a maximum of three dwelling units owned by any tenant-stockholder in a single building, one of which must be the primary residence of such tenant-stockholder, shall be eligible to receive a partial abatement pursuant to paragraphs (d-1), (d-2), (d-3) and (d-4) of this subdivision. For purposes of this section, a tenant-stockholder of a cooperative apartment corporation shall be deemed to own the dwelling unit which is represented by his or her shares of stock in such corporation. Any abatement so granted shall be credited by the appropriate taxing authority against the tax due on the property as a whole. The reduction in real property taxes received thereby shall be credited by the cooperative apartment corporation against the amount of such taxes attributable to eligible dwelling units at the time of receipt.

(b-1) Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to any dwelling unit held in trust solely for the benefit of a person or persons who would otherwise be eligible for an abatement, pursuant to this section, were such person or persons the owner or owners of such dwelling unit.

(c) Eligible dwelling units in property whose average unit assessed value is less than or equal to fifteen thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units, as follows:

(i) not to exceed four percent in the fiscal year commencing in

calendar year nineteen hundred ninety-six;

(ii) sixteen percent in the fiscal year commencing in calendar year nineteen hundred ninety-seven;

(iii) twenty-five percent in the fiscal year commencing in calendar year nineteen hundred ninety-eight;

(iv) twenty-five percent in the fiscal year commencing in calendar year nineteen hundred ninety-nine;

(v) twenty-five percent in the fiscal year commencing in calendar year two thousand;

(vi) twenty-five percent in the fiscal year commencing in calendar year two thousand one;

(vii) twenty-five percent in the fiscal year commencing in calendar year two thousand two;

(viii) twenty-five percent in the fiscal year commencing in calendar year two thousand three;

(ix) twenty-five percent in the fiscal year commencing in calendar year two thousand four;

(x) twenty-five percent in the fiscal year commencing in calendar year two thousand five;

(xi) twenty-five percent in the fiscal year commencing in calendar year two thousand six;

(xii) twenty-five percent in the fiscal year commencing in calendar year two thousand seven;

(xiii) twenty-five percent in the fiscal year commencing in calendar year two thousand eight;

(xiv) twenty-five percent in the fiscal year commencing in calendar year two thousand nine;

(xv) twenty-five percent in the fiscal year commencing in calendar year two thousand ten;

(xvi) twenty-five percent in the fiscal year commencing in calendar year two thousand eleven.

(d) Eligible dwelling units in property whose average unit assessed value is greater than fifteen thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units, as follows:

(i) not to exceed two and three-quarters percent in the fiscal year commencing in calendar year nineteen hundred ninety-six;

(ii) ten and three-quarters percent in the fiscal year commencing in calendar year nineteen hundred ninety-seven;

(iii) seventeen and one-half percent in the fiscal year commencing in calendar year nineteen hundred ninety-eight;

(iv) seventeen and one-half percent in the fiscal year commencing in calendar year nineteen hundred ninety-nine;

(v) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand;

(vi) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand one;

(vii) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand two;

(viii) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand three;

(ix) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand four;

(x) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand five;

(xi) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand six;

(xii) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand seven;

(xiii) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand eight;

(xiv) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand nine;

(xv) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand ten;

(xvi) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand eleven.

(d-1) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is less than or equal to fifty thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-five percent, twenty-six and one-half percent and twenty-eight and one-tenth percent respectively. In the fiscal years

commencing in calendar years two thousand fifteen through two thousand twenty-six eligible dwelling units in property whose average unit assessed value is less than or equal to fifty thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-eight and one-tenth percent.

(d-2) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is more than fifty thousand dollars, but less than or equal to fifty-five thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-two and one-half percent, twenty-three and eight-tenths percent and twenty-five and two-tenths percent respectively. In the fiscal years commencing in calendar years two thousand fifteen through two thousand twenty-six eligible dwelling units in property whose average unit assessed value is more than fifty thousand dollars, but less than or equal to fifty-five thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-five and two-tenths percent.

(d-3) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is more than fifty-five thousand dollars, but less than or equal to sixty thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty percent, twenty-one and two-tenths percent, and twenty-two and five-tenths percent respectively. In the fiscal years commencing in calendar years two thousand fifteen through two thousand twenty-six eligible dwelling units in property whose average unit assessed value is more than fifty-five thousand dollars, but less than or equal to sixty thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-two and five-tenths percent.

(d-4) In the fiscal years commencing in calendar years two thousand twelve through two thousand twenty-six, eligible dwelling units in property whose average unit assessed value is more than sixty thousand dollars shall receive a partial abatement of the real property taxes

attributable to or due on such dwelling units of seventeen and one-half percent.

(d-5) In the fiscal years commencing in calendar year two thousand twelve and two thousand thirteen, dwelling units that received an abatement pursuant to this section in the fiscal year commencing in calendar year two thousand eleven, and that are not eligible to receive benefits under paragraph (d-1), (d-2), (d-3), or (d-4) of this subdivision and that are located in a property that has an average unit assessed value that is less than or equal to fifteen thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twelve and one half percent, and six and twenty-five hundredths percent respectively. Provided, however, that no such abatement shall be allowed for any fiscal year commencing in calendar year two thousand fourteen or later.

(d-6) In the fiscal years commencing in calendar year two thousand twelve and two thousand thirteen, dwelling units that received an abatement pursuant to this section in the fiscal year commencing in calendar year two thousand eleven, and that are not eligible to receive benefits under paragraph (d-1), (d-2), (d-3), or (d-4) of this subdivision and that are located in a property that has an average unit assessed value that is greater than fifteen thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of eight and seventy-five hundredths percent, and four and three hundred seventy-five thousandths percent respectively. Provided, however, that no such abatement shall be allowed, for any fiscal year in calendar year two thousand fourteen or later.

(e) Partial abatement pursuant to paragraphs (c), (d), (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of this subdivision shall be computed on the net real property taxes attributable to or due on eligible dwelling units after deduction for any exemption on such dwelling units received pursuant to any section listed in paragraph (f) of this subdivision and after deduction of the portion of any abatement received pursuant to section four hundred eighty-nine of this article that is attributable to a dwelling unit in property held in the cooperative form of ownership and after deduction of any abatement received pursuant to section four hundred eighty-nine of this article by a dwelling unit in property held

in the condominium form of ownership.

(f) For purposes of this subdivision, a qualified property shall be deemed not to be receiving complete or partial real property tax exemption or tax abatement if the qualified property is, or certain dwelling units therein are, receiving benefits pursuant to section four hundred, four hundred two, four hundred four, four hundred six, four hundred eight, four hundred ten, four hundred ten-a, four hundred twelve, four hundred twelve-a, four hundred sixteen, four hundred eighteen, four hundred twenty-a, four hundred twenty-b, four hundred twenty-five, four hundred thirty-six, four hundred fifty-eight, four hundred fifty-eight-a, four hundred fifty-nine-c, four hundred sixty-two, four hundred sixty-seven, four hundred sixty-seven-b, four hundred ninety-nine-bbb, or four hundred ninety-nine-bbbb of this article, or if the qualified property is receiving a tax abatement but not a tax exemption pursuant to section four hundred eighty-nine of this article.

(g) If the billable assessed value of a qualified property is reduced after the assessment roll becomes final, any abatement already granted pursuant to this section shall be adjusted accordingly. The difference between the original abatement and the adjusted abatement shall be deducted from any credit otherwise due.

(h) Notwithstanding any other provision of this section, the commissioner of finance shall deny, terminate or revoke any abatement applied for or granted pursuant to this section with respect to a dwelling unit upon a determination that the transfer of such dwelling unit to the owner who owned such dwelling unit as of the applicable taxable status date was made primarily for the purpose of receiving an abatement under this section. Upon making such determination, the commissioner of finance shall deny, terminate or revoke any abatement applied for or granted pursuant to this section with respect to any dwelling unit owned by the transferor that would have been eligible but for such determination. In making such determination, the commissioner of finance may consider, among other factors, the relationship, if any, between the transferor and the transferee and whether the terms of the transfer are consistent with the terms generally found in transfers of comparable dwelling units.

(i) Notwithstanding any other provision of this section, beginning in

the fiscal year commencing in calendar year two thousand twenty-two no dwelling unit in a property other than a qualified property shall be eligible to receive a tax abatement under this section.

3. Application for abatement. (a) An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-six shall be made no later than the fifteenth day of September, nineteen hundred ninety-six. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-seven shall be made no later than the first day of April, nineteen hundred ninety-seven. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-eight shall be made no later than the first day of April, nineteen hundred ninety-eight. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-nine shall be made in accordance with this subdivision and subdivision three-a of this section. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand shall be made no later than the fifteenth day of February, two thousand. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand one shall be made in accordance with this subdivision and subdivision three-b of this section. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand two shall be made no later than the fifteenth day of February, two thousand two. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand three shall be made no later than the fifteenth day of February, two thousand three. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand four shall be made in accordance with this subdivision and subdivision three-c of this section. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand five shall be made no later than the fifteenth day of February, two thousand five. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand six shall be made no later

than the fifteenth day of February, two thousand six. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand seven shall be made no later than the fifteenth day of February, two thousand seven. An application for abatement pursuant to this section for the fiscal year commencing in calendar year two thousand eight shall be made in accordance with this subdivision and subdivision three-d of this section. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand nine shall be made no later than the fifteenth day of February, two thousand nine. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand ten shall be made no later than the fifteenth day of February, two thousand ten. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand eleven shall be made no later than the fifteenth day of February, two thousand eleven. An application for an abatement pursuant to this section for the fiscal years commencing in calendar years two thousand twelve and two thousand thirteen shall be made in accordance with subdivision three-e of this section. The date or dates by which applications for an abatement pursuant to this section shall be made for the fiscal years beginning in calendar years two thousand fourteen through two thousand twenty-six shall be established by the commissioner of finance by rule, provided that such date or dates shall not be later than the fifteenth day of February for such calendar years.

(b) An application for an abatement pursuant to this section shall be submitted to the commissioner of finance by the board of managers of a condominium or the board of directors of a cooperative apartment corporation, provided that the commissioner of finance may by rule require the unit owner or shareholder of a dwelling unit to submit an application to supplement information contained in the application submitted by the board of managers of a condominium or the board of directors of a cooperative apartment corporation and may by rule apply and adjust, as appropriate, any provisions of this section that relate to applications submitted by such boards to applications submitted by such owners. The commissioner of finance shall by rule require the unit owner or the shareholder of a dwelling unit to certify the primary residence of such unit owner or shareholder.

(c) No abatement pursuant to this section shall be granted unless the applicant files an application for an abatement within the time periods prescribed in paragraph (a) of this subdivision or subdivision three-a, three-b, three-c, three-d or three-e of this section, provided, however, that the commissioner of finance may, for good cause shown, extend the time for filing an application.

(d) The commissioner of finance shall determine the form of the application and the information which it shall contain. The information contained in the application shall be provided with respect to the qualified property as of the taxable status date for the fiscal year to which the application relates. Such information shall include, but need not be limited to:

(i) physical data, such as a description of the qualified property, stating the number of stories, the number of dwelling and non-dwelling units, unit designations with their locations, approximate area of each unit, number of rooms in each unit, common interest of or number of shares allocated to each unit, and the total number of shares in a cooperative apartment corporation;

(ii) the names and social security or tax identification numbers of owners of all units;

(iii) the names and social security or tax identification numbers of sponsors owning units; and

(iv) the name and address of the person designated by the board of directors or board of managers for receipt of notices issued pursuant to this section.

(e) The burden of proof shall be on the applicant to show that the requirements for granting an abatement have been met. The commissioner of finance shall have the authority to require that statements in connection with such application be made under oath by a duly authorized member of the board of directors or managers. Such application shall contain the following declaration: "I certify that all information contained in this application is true and correct to the best of my knowledge and belief. I understand that the willful making of any false statement of material fact herein will subject me to the provisions of law relevant to the making and filing of false instruments and will render this application null and void." Such application shall also state that the applicant agrees to comply with and be subject to the

rules issued from time to time by the commissioner of finance pursuant to this section.

(f) Notwithstanding any other provision of law to the contrary, application by the board of directors of a cooperative apartment corporation for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand shall be made by the filing of an information return pursuant to subdivision (g) of section 11-2105 of the administrative code of the city of New York, as added by local law number fifty-eight of the city of New York for the year nineteen hundred eighty-nine, including an election by such board of directors that such information return be deemed an application for an abatement pursuant to this section for such fiscal year, provided, however, that where the board of directors files the application on behalf of a cooperative apartment corporation that is not receiving an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-nine, then the board of directors shall be required to file, in addition to the information return pursuant to subdivision (g) of section 11-2105 of the administrative code of the city of New York, as added by local law number fifty-eight of the city of New York for the year nineteen hundred eighty-nine, any information return covering a reporting period beginning on or after January first, nineteen hundred ninety-six, that has not been filed previously. Information returns that are deemed to be applications for an abatement pursuant to this paragraph shall be subject to the provisions of this section relating to such applications including, but not limited to, the provisions of this subdivision and subdivision four of this section.

(g) Notwithstanding any other provision of law to the contrary, application by the board of directors of a cooperative apartment corporation for an abatement pursuant to this section for either the fiscal year commencing in calendar year two thousand two or the fiscal year commencing in calendar year two thousand three shall be made by the filing of an information return pursuant to subdivision (g) of section 11-2105 of the administrative code of the city of New York, as added by local law number fifty-eight of the city of New York for the year nineteen hundred eighty-nine, including an election by such board of directors that such information return be deemed an application for an

abatement pursuant to this section for such fiscal year, provided, however, that where the board of directors files an application on behalf of a cooperative apartment corporation that is not receiving an abatement pursuant to this section for the fiscal year immediately preceding the fiscal year for which the application is filed, then the board of directors shall be required to file, in addition to the information return pursuant to subdivision (g) of section 11-2105 of the administrative code of the city of New York, as added by local law number fifty-eight of the city of New York for the year nineteen hundred eighty-nine, any information return covering a reporting period beginning on or after January first, nineteen hundred ninety-six, that has not been filed previously. Information returns that are deemed to be applications for an abatement pursuant to this paragraph shall be subject to the provisions of this section relating to such applications including, but not limited to, the provisions of this subdivision and subdivision four of this section.

(h) Notwithstanding any other provision of law to the contrary, application by the board of directors of a cooperative apartment corporation for an abatement pursuant to this section for either the fiscal year commencing in calendar year two thousand five or the fiscal year commencing in the calendar year two thousand six or the fiscal year commencing in the calendar year two thousand seven or the fiscal year commencing in the calendar year two thousand eight or the fiscal year commencing in the calendar year two thousand nine or the fiscal year commencing in the calendar year two thousand ten or the fiscal year commencing in the calendar year two thousand eleven shall be made by the filing of an information return pursuant to subdivision (g) of section 11-2105 of the administrative code of the city of New York, as added by local law number fifty-eight of the city of New York for the year nineteen hundred eighty-nine, including an election by such board of directors that such information return be deemed an application for an abatement pursuant to this section for such fiscal year, provided, however, that where the board of directors files an application on behalf of a cooperative apartment corporation that is not receiving an abatement pursuant to this section for the fiscal year immediately preceding the fiscal year for which the application is filed, then the board of directors shall be required to file, in addition to the

information return pursuant to subdivision (g) of section 11-2105 of the administrative code of the city of New York, as added by local law number fifty-eight of the city of New York for the year nineteen hundred eighty-nine, any information return covering a reporting period beginning on or after January first, nineteen hundred ninety-six, that has not been filed previously. Information returns that are deemed to be applications for an abatement pursuant to this paragraph shall be subject to the provisions of this section relating to such applications including, but not limited to, the provisions of this subdivision and subdivision four of this section.

3-a. (a) An applicant whose property did not receive an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-eight shall submit an application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-nine no later than sixty days following the effective date of the chapter of the laws of nineteen hundred ninety-nine that added this subdivision.

(b) The abatement for the fiscal year commencing in calendar year nineteen hundred ninety-nine of a cooperative apartment corporation that received an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-eight and that submitted an information update form on or before April fifteenth, nineteen hundred ninety-nine pursuant to a request by the commissioner of finance, shall be based on the information contained in such information update form.

(c) The abatement for the fiscal year commencing in calendar year nineteen hundred ninety-nine of a cooperative apartment corporation that received an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-eight and that did not submit an information update form on or before April fifteenth, nineteen hundred ninety-nine pursuant to a request by the commissioner of finance, shall be based on the information contained in the application submitted in nineteen hundred ninety-eight, provided that nothing in this paragraph shall authorize or require the commissioner of finance to grant an abatement with respect to a property or a dwelling unit that is not eligible as of the applicable taxable status date for

the fiscal year commencing in calendar year nineteen hundred ninety-nine.

(d) The board of managers of a condominium that received an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-eight shall submit an application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-nine no later than sixty days following the effective date of the chapter of the laws of nineteen hundred ninety-nine that added this subdivision. If such board of managers does not submit such application within sixty days following the effective date of the chapter of the laws of nineteen hundred ninety-nine that added this subdivision, then the abatement for the fiscal year commencing in calendar year nineteen hundred ninety-nine for such condominium shall be based on the information contained in the application submitted in nineteen hundred ninety-eight, provided that nothing in this paragraph shall authorize or require the commissioner of finance to grant an abatement with respect to a property or a dwelling unit that is not eligible as of the applicable taxable status date for the fiscal year commencing in calendar year nineteen hundred ninety-nine.

3-b. (a) An applicant whose property did not receive an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand shall submit an application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand one no later than sixty days following the effective date of the chapter of the laws of two thousand one that added this subdivision.

(b) The abatement for the fiscal year commencing in calendar year two thousand one of a cooperative apartment corporation that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand and that submitted an information return on or before February fifteenth, two thousand one, that included an election by the board of directors of such cooperative apartment corporation that such information return be deemed an application for an abatement pursuant to this section for such fiscal year, shall be based on the information contained in such information return.

(c) The abatement for the fiscal year commencing in calendar year two

thousand one of a cooperative apartment corporation that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand and that submitted an information return on or before February fifteenth, two thousand one, that did not include an election by the board of directors of such cooperative apartment corporation that such information return be deemed an application for an abatement pursuant to this section for such fiscal year, shall be based on the information contained in the application submitted in two thousand or on the information contained in such information return, or both, provided that nothing in this paragraph shall authorize or require the commissioner of finance to grant an abatement with respect to a property or a dwelling unit that is not eligible as of the applicable taxable status date for the fiscal year commencing in calendar year two thousand one.

(d) The board of managers of a condominium that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand shall submit an application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand one no later than sixty days following the effective date of the chapter of the laws of two thousand one that added this subdivision. If such board of managers does not submit such application within sixty days following the effective date of the chapter of the laws of two thousand one that added this subdivision, then the abatement for the fiscal year commencing in calendar year two thousand one for such condominium shall be based on the information contained in the application submitted in two thousand, provided that nothing in this paragraph shall authorize or require the commissioner of finance to grant an abatement with respect to a property or a dwelling unit that is not eligible as of the applicable taxable status date for the fiscal year commencing in calendar year two thousand one.

3-c. (a) An applicant whose property did not receive an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand three shall submit an application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand four no later than sixty days following the effective date of the chapter of the laws of two thousand four that added this

subdivision.

(b) The abatement for the fiscal year commencing in calendar year two thousand four of a cooperative apartment corporation that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand three and that submitted an information return on or before February fifteenth, two thousand four, that included an election by the board of directors of such cooperative apartment corporation that such information return be deemed an application for an abatement pursuant to this section for such fiscal year, shall be based on the information contained in such information return.

(c) The abatement for the fiscal year commencing in calendar year two thousand four of a cooperative apartment corporation that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand three and that submitted an information return on or before February fifteenth, two thousand four, that did not include an election by the board of directors of such cooperative apartment corporation that such information return be deemed an application for an abatement pursuant to this section for such fiscal year, shall be based on the information contained in the application submitted in two thousand three or on the information contained in such information return, or both, provided that nothing in this paragraph shall authorize or require the commissioner of finance to grant an abatement with respect to a property or a dwelling unit that is not eligible as of the applicable taxable status date for the fiscal year commencing in calendar year two thousand four.

(d) The board of managers of a condominium that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand three shall submit an application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand four no later than sixty days following the effective date of the chapter of the laws of two thousand four that added this subdivision. If such board of managers does not submit such application within sixty days following the effective date of the chapter of the laws of two thousand four that added this subdivision, then the abatement for the fiscal year commencing in calendar year two thousand four for such condominium shall be based on the information contained in the application submitted in two thousand three, provided that nothing

in this paragraph shall authorize or require the commissioner of finance to grant an abatement with respect to a property or a dwelling unit that is not eligible as of the applicable taxable status date for the fiscal year commencing in calendar year two thousand four.

3-d. (a) an applicant whose property did not receive an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand seven shall submit an application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand eight no later than sixty days following the effective date of the chapter of the laws of two thousand eight that added this subdivision.

(b) the abatement for the fiscal year commencing in calendar year two thousand eight of a cooperative apartment corporation that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand seven and that submitted an information return on or before February fifteenth, two thousand eight, that included an election by the board of directors of such cooperative apartment corporation that such information return be deemed an application for an abatement pursuant to this section for such fiscal year, shall be based on the information contained in such information return.

(c) the abatement for the fiscal year commencing in calendar year two thousand eight of a cooperative apartment corporation that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand seven and that submitted an information return on or before February fifteenth, two thousand eight, that did not include an election by the board of directors of such cooperative apartment corporation that such information return be deemed an application for an abatement pursuant to this section for such fiscal year, shall be based on the information contained in the application submitted in two thousand seven or on the information contained in such information return, or both, provided that nothing in this paragraph shall authorize or require the commissioner of finance to grant an abatement with respect to a property or a dwelling unit that is not eligible as of the applicable taxable status date for the fiscal year commencing in calendar year two thousand eight.

(d) the board of managers of a condominium that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand seven shall submit an application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand eight no later than sixty days following the effective date of the chapter of the laws of two thousand eight that added this subdivision. If such board of managers does not submit such application within sixty days following the effective date of the chapter of the laws of two thousand eight that added this subdivision, then the abatement for the fiscal year commencing in calendar year two thousand eight for such condominium shall be based on the information contained in the application submitted in two thousand seven, provided that nothing in this paragraph shall authorize or require the commissioner of finance to grant an abatement with respect to a property or a dwelling unit that is not eligible as of the applicable taxable status date for the fiscal year commencing in calendar year two thousand eight.

3-e. (a) An applicant whose property did not receive an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand eleven shall submit an application for an abatement pursuant to this section for the fiscal years commencing in calendar years two thousand twelve and two thousand thirteen in accordance with paragraph (e) of this subdivision.

(b) The abatement for the fiscal year commencing in calendar year two thousand twelve of a cooperative apartment corporation that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand eleven and that submitted an information return on or before February fifteenth, two thousand twelve, that included an election by the board of directors of such cooperative apartment corporation that such information return be deemed an application for an abatement pursuant to this section for such fiscal year, shall be based on the information contained in such information return.

(c) The abatement for the fiscal year commencing in calendar year two thousand twelve of a cooperative apartment corporation that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand eleven and that submitted an information

return on or before February fifteenth, two thousand twelve, that did not include an election by the board of directors of such cooperative apartment corporation that such information return be deemed an application for an abatement pursuant to this section for such fiscal year, shall be based on the information contained in the application submitted in two thousand eleven or on the information contained in such information return, or both, provided that nothing in this paragraph shall authorize or require the commissioner of finance to grant an abatement with respect to a property or a dwelling unit that is not eligible as of the applicable taxable status date for the fiscal year commencing in calendar year two thousand twelve.

(d) The board of managers of a condominium that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand eleven shall submit an application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand twelve no later than sixty days following the effective date of the chapter of the laws of two thousand thirteen that added this subdivision. If such board of managers does not submit such application within sixty days following the effective date of the chapter of the laws of two thousand thirteen that added this subdivision, then the abatement for the fiscal year commencing in calendar year two thousand twelve for such condominium shall be based on the information contained in the application submitted in two thousand eleven, provided that nothing in this paragraph shall authorize or require the commissioner of finance to grant an abatement with respect to a property or a dwelling unit that is not eligible as of the applicable taxable status date for the fiscal year commencing in calendar year two thousand twelve.

(e) Notwithstanding paragraphs (a), (b), (c) and (d) of this subdivision or any other inconsistent provision of law, the commissioner of finance may require each applicant for an abatement for the fiscal years commencing in calendar years two thousand twelve and two thousand thirteen to submit an application by a date and in a form determined by such commissioner and such commissioner may deny abatements pursuant to this section for failure to submit such application by such date provided that such date shall be no earlier than thirty days following the date on which the commissioner releases the application form.

4. Except in accordance with proper judicial order or as otherwise provided by law, neither the commissioner of finance, nor any officer or employee of a department of finance of a city having a population of one million or more, nor any person who, pursuant to this subdivision, is authorized to inspect the application or statements in connection therewith required by this section, shall disclose or make known the contents of any such application or statements. Except as provided in this subdivision, the officers charged with the custody of any such application or statements shall not be required to produce them in any action or proceeding in any court or before any administrative tribunal, but any such application or statements may be produced on behalf of the department of finance. An affidavit certifying that all building service employees employed or to be employed at the qualified property shall receive the applicable prevailing wage may be produced in any action or proceeding in any court or before any administrative tribunal. Such affidavit shall be considered a public record. Nothing in this subdivision shall be construed to prohibit delivery to an owner of a dwelling unit of a qualified property situated in a city having a population of one million or more of a copy of any application or statements pertaining to such dwelling unit, upon request and with personally identifying information redacted. Nothing in this subdivision shall be construed to prohibit the delivery of a certified copy of any such application or statements to the United States of America or any department thereof, the state of New York or any department thereof, or a city having a population of one million or more or any department thereof, provided any such application or statements are required for official business; nor to prohibit the inspection for official business of any such application or statements by the tax commission of a city having a population of one million or more, or by the corporation counsel or other legal representative of a city having a population of one million or more, or by any person engaged or retained by the department of finance on an independent contract basis; nor to prohibit the publication of statistics so classified as to prevent the identification of any particular application or statements. The foregoing provisions of this subdivision prohibiting disclosure of the contents of applications or statements shall not apply to physical data relating to the qualified property described therein.

5. The commissioner of finance shall be authorized to defer the credit, pursuant to this section, for the fiscal year commencing in the calendar year nineteen hundred ninety-six to the fiscal year commencing in the calendar year nineteen hundred ninety-seven. The credits, pursuant to this section, for the fiscal years commencing in the calendar years nineteen hundred ninety-seven and nineteen hundred ninety-eight shall not be deferred.

6. The commissioner of finance may impose, after notice and an opportunity to be heard, civil penalties on each member of a cooperative board of directors of no more than ten thousand dollars for the willful failure to credit fully any tax abatement granted pursuant to this section to eligible dwelling units.

7. The commissioner of finance shall be authorized to promulgate rules necessary to effectuate the purposes of this section. Notwithstanding any other provision of law to the contrary, such rules may include, but need not be limited to, denial, termination or revocation of any abatement pursuant to this section if building service workers are not paid the prevailing wage or if any dwelling unit in a qualified property held in the condominium form of ownership or a qualified property held in the cooperative form of ownership has real property taxes, water and sewer charges, payments in lieu of taxes or other municipal charges due and owing, unless such real property taxes, water and sewer charges, payments in lieu of taxes or other municipal charges are currently being paid in timely installments pursuant to a written agreement with the department of finance or other appropriate agency.

8. Except to the extent that the owner of a dwelling unit of a qualified property situated in a city having a population of one million or more may request a redacted copy of any application or statements pertaining to such dwelling unit, as provided in subdivision four of this section, the information contained in applications or statements in connection therewith filed with the commissioner of finance pursuant to subdivision three, three-a, three-b, three-c, three-d or three-e of this section shall not be subject to disclosure under article six of the

public officers law.

9. The commissioner of finance shall be authorized to prepare and submit amended tax bills to taxpayers to reflect any adjustments necessary to apply the partial abatement received pursuant to this section. If a condominium or cooperative has paid an amount that is different than the amount due on any amended tax bill, the commissioner of finance may waive any interest otherwise due on such amount.

10. The fiscal officer, as defined in section two hundred thirty of the labor law, shall have the power to conduct an investigation and hearing and file a final determination as to the payment of wages owed by an owner, successor, or any employer of building service employees, as provided under subdivisions one, four, five, six, eight and nine of section two hundred thirty-five of the labor law.

§ 467-b. Tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities. 1.

Definitions. As used in this section:

a. "Dwelling unit" means that part of a dwelling in which a head of the household resides and which is subject to either the emergency housing rent control law or to the rent and rehabilitation law of the city of New York enacted pursuant to the local emergency housing rent control law, or to the emergency tenant protection act of nineteen seventy-four;

b. "Head of the household" means a person (i) who is sixty-two years of age or older, or (ii) who qualifies as a person with a disability pursuant to subdivision five of this section, and is entitled to the possession or to the use or occupancy of a dwelling unit;

c. "Income" means:

(i) the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or

revisions, plus any social security benefits not included in such federal adjusted gross income; provided that if no such return was filed for the applicable income tax year, the applicant's income shall be determined based on the amounts that would have so been reported if such a return had been filed; and provided further, that when determining income for purposes of this section, the following conditions shall be applicable:

(A) the governing body of a municipal corporation, after a public hearing, may adopt a local law, ordinance or resolution providing that any social security benefits that were not included in the applicant's federal adjusted gross income shall not be considered income;

(B) distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income shall not be considered income unless the governing body of a municipal corporation, after a public hearing, adopts a local law, ordinance or resolution providing otherwise;

(C) the applicant's income shall be offset by all medical and prescription drug expenses actually paid that were not reimbursed or paid for by insurance, if the governing body of a municipal corporation, after a public hearing, adopts a local law, ordinance or resolution providing therefor;

(D) any tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income shall be considered income; and

(E) any losses that were applied to reduce the applicant's federal adjusted gross income shall be subject to the following limitations:

(1) the net amount of loss reported on federal Schedule C, D, E, or F shall not exceed three thousand dollars per schedule,

(2) the net amount of any other separate category of loss shall not exceed three thousand dollars, and

(3) the aggregate amount of all losses shall not exceed fifteen thousand dollars; or

(ii) notwithstanding subparagraph (i) of this paragraph, in a city with a population of one million or more persons:

(A) the sum of the adjusted gross incomes reported on the federal income tax returns of the applicant and all other members of the applicant's household for the most recent income tax year or years for

which data is sufficiently available to determine the applicant's eligibility for exemptions pursuant to this section, subject to any subsequent amendments or revisions, less any distributions, to the extent included in each such adjusted gross income, received from an individual retirement account or retirement annuity; provided that if no such income tax return was filed by any member of the applicant's household for such income tax year, the income of such applicant or member of the applicant's household shall be determined as if such a return had been filed;

(B) provided, however, that income may be calculated as the income from all sources after deduction of all income and social security taxes and includes social security and retirement benefits, supplemental security income and additional state payments, public assistance benefits, interest, dividends, net rental income, salary or earnings, and net income from self-employment, but shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in federal P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the date of eligibility of head of the household receiving benefits hereunder whether received by the head of the household or any other member of the household, when the following conditions are met:

(1) a rent increase exemption order was granted to the head of household prior to July first, two thousand twenty-four;

(2) such rent increase exemption order is either renewed after each benefit period or granted pursuant to paragraph (d) of subdivision two of this section to account for a temporary increase in income;

(3) income calculated as described in this subparagraph would yield a lower amount than income calculated as described in subparagraph (i) of this paragraph; and

(C) provided, further, that a change in the method of calculating income pursuant to this paragraph shall not affect eligibility to file a short-form renewal application in accordance with subparagraph two of paragraph a of subdivision four of this section;

d. "Income tax year" means a twelve month period for which the head of the household filed a federal personal income tax return, or if no such return is filed, the calendar year;

e. "Increase in maximum rent or legal regulated rent" means any increase in the maximum rent or the legal regulated rent for the dwelling unit in question pursuant to the applicable rent control law or to the emergency tenant protection act of nineteen seventy-four, respectively, or such classes of increase thereunder as may be specified in a local law, ordinance or resolution enacted pursuant to this section, over such base period rent as shall be provided therein or an exemption from the maximum rent or legal regulated rent as specified in paragraph c or d of subdivision three of this section;

f. "Members of the household" means the head of the household and any person, other than a bona fide roomer, boarder or subtenant who is not related to the head of the household, permanently residing in the dwelling unit.

g. "Supervising agency" shall mean the appropriate rent control agency or administrative agency designated to administer the tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities pursuant to a local law, resolution, or ordinance passed pursuant to subdivision two of this section.

2. The governing body of any municipal corporation is hereby authorized and empowered to adopt, after public hearing, in accordance with the provisions of this section, a local law, ordinance or resolution providing for the abatement of taxes of said municipal corporation imposed on real property containing a dwelling unit as defined herein by one of the following amounts: (a) where the head of the household does not receive a monthly allowance for shelter pursuant to the social services law, an amount not in excess of that portion of any increase in maximum rent or legal regulated rent which causes such maximum rent or legal regulated rent to exceed one-third of the combined income of all members of the household; or

(b) where the head of the household receives a monthly allowance for

shelter pursuant to the social services law, an amount not in excess of that portion of any increase in maximum rent or legal regulated rent which is not covered by the maximum allowance for shelter which such person is entitled to receive pursuant to the social services law.

(c) Provided, however, that in a city of a population of one million or more, where the head of household has been granted a rent increase exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen, the amount determined by paragraph (a) of this subdivision shall be an amount not in excess of the difference between the maximum rent or legal regulated rent and the amount specified in such order, as adjusted by any other provision of this section.

(d) (1) Provided, however, that in a city with a population of one million or more, a head of the household who has received a rent increase exemption order that has expired and who, upon renewal application for the period commencing immediately after such expiration, is determined to be ineligible for a rent increase exemption order because the combined income of all members of the household exceeds the maximum amount allowed by this section or the maximum rent or legal regulated rent does not exceed one-third of the combined income of all members of the household, may submit a new application during the following calendar year, and if such head of the household receives a rent increase exemption order that commences during such calendar year, the tax abatement amount for such order shall be calculated as if such prior rent increase exemption order had not expired. However, no tax abatement benefits may be provided for the period of ineligibility.

(2) No head of the household may receive more than three rent increase exemption orders calculated as if a prior rent increase exemption order had not expired, as described in subparagraph one of this paragraph.

3. Any such local law, ordinance or resolution shall provide that:

* a. for a dwelling unit where the head of the household is a person sixty-two years of age or older, no tax abatement shall be granted if the combined income of all members of the household for the income tax year immediately preceding the date of making application exceeds four thousand dollars, or such other sum not more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand

dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, twenty-nine thousand dollars beginning July first, two thousand nine, fifty thousand dollars beginning July first, two thousand fourteen, and seventy-five thousand dollars beginning July first, two thousand twenty-six, as may be provided by the local law, ordinance or resolution adopted pursuant to this section, provided that when the head of the household retires before the commencement of such income tax year and the date of filing the application, the income for such year may be adjusted by excluding salary or earnings and projecting their retirement income over the entire period of such year.

* NB Effective until June 30, 2028

* a. for a dwelling unit where the head of the household is a person sixty-two years of age or older, no tax abatement shall be granted if the combined income of all members of the household for the income tax year immediately preceding the date of making application exceeds four thousand dollars, or such other sum not more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine, as may be provided by the local law, ordinance or resolution adopted pursuant to this section, provided that when the head of the household retires before the commencement of such income tax year and the date of filing the application, the income for such year may be adjusted by excluding salary or earnings and projecting his or her retirement income over the entire period of such year.

* NB Effective June 30, 2028

* b. for a dwelling unit where the head of the household qualifies as a person with a disability pursuant to subdivision five of this section, no tax abatement shall be granted if the combined income for all members of the household for the current income tax year exceeds fifty thousand dollars beginning July first, two thousand fourteen, and seventy-five thousand dollars beginning July first, two thousand twenty-six, as may be provided by the local law, ordinance or resolution adopted pursuant

to this section.

* NB Effective until June 30, 2028

* b. for a dwelling unit where the head of the household qualifies as a person with a disability pursuant to subdivision five of this section, no tax abatement shall be granted if the combined income for all members of the household for the current income tax year exceeds fifty thousand dollars beginning July first, two thousand fourteen, as may be provided by the local law, ordinance or resolution adopted pursuant to this section.

* NB Effective June 30, 2028

c. upon issuance of a tax abatement certificate as provided in subdivision four of this section, the amount set forth in said certificate shall be deducted from the legal maximum rent or legal regulated rent chargeable for a dwelling unit of a head of the household.

d. notwithstanding any other provision of law, when a head of the household to whom a then current, valid tax abatement certificate has been issued moves his principal residence from one dwelling unit to a subsequent dwelling unit located within the same municipal corporation, the head of the household may apply for a tax abatement certificate relating to the subsequent dwelling unit, and such certificate may provide that the head of the household shall be exempt from paying that portion of the maximum rent or legal regulated rent for the subsequent dwelling unit which is the least of the following:

(1) the amount by which the rent for the subsequent dwelling unit exceeds the last rent, as reduced, which the head of the household was required to actually pay in the original dwelling unit;

(2) the last amount deducted from the maximum rent or legal regulated rent pursuant to this section in the original dwelling unit; or

(3) where the head of the household does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which the maximum rent or legal regulated rent of the subsequent dwelling unit exceeds one-third of the combined income of all members of the household, except that this subparagraph shall not apply to a head of the household who has been granted a rent increase exemption order

that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen.

e. notwithstanding any other provision of law, when a head of the household to whom a then current, valid tax abatement certificate has been issued moves his principal residence from one dwelling unit subject to the provisions of articles II, IV, V or XI of the private housing finance law to a subsequent dwelling unit subject to either the local emergency housing rent control law or to the emergency tenant protection act of nineteen seventy-four which is located within the same municipal corporation, the head of the household may apply for a tax abatement certificate relating to the subsequent dwelling unit, and such certificate may provide that the head of the household shall be exempt from paying that portion of the maximum rent or legal regulated rent for the subsequent dwelling unit which is the least of the following:

(1) the amount by which the rent for the subsequent dwelling unit exceeds the last rent, as so reduced, which the head of the household was required to actually pay in the original dwelling unit;

(2) the most recent amount so deducted from the maximum rent or legal regulated rent in the original dwelling unit; or

(3) where the head of the household does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which the maximum rent or legal regulated rent of the subsequent dwelling unit exceeds one-third of the combined income of all members of the household, except that this subparagraph shall not apply to a head of the household who has been granted a rent increase exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen.

f. notwithstanding any other provision of law, when a dwelling unit subject to regulation under the New York city rent and rehabilitation law or the rent stabilization law of the city of New York is reclassified by order of the city rent agency subject to the other law, a head of the household who held a valid senior citizen or person with a disability rent increase exemption order at the time of such reclassification may be issued a rent increase exemption order under the appropriate law continuing the exemption he would have been eligible and

entitled to, notwithstanding such reclassification of such dwelling unit and the tenant shall be exempt from paying the rent increase to the extent to which he was otherwise eligible and entitled to be exempted at the time of the increase but for the fact of such reclassification of the dwelling unit including exemption from the rent increase granted pursuant to subparagraph (m) of paragraph one of subdivision g of section 26-405 of the administrative code of the city of New York to the extent that it is not predicated upon any improvement or addition in a category as provided for in subparagraph (d), (e), (f), (g), (h) or (i) of such paragraph.

(1) A head of the household who is otherwise eligible for exemption at the time of the rent increase and resides in a dwelling unit subject to regulation under the emergency housing rent control law or the rent stabilization law of the city of New York which has been reclassified under the other law, may be issued a rent increase exemption order under the appropriate law exempting the tenant from paying the rent increase to the extent to which he would have been eligible and entitled to be exempted but for the fact of reclassification of the dwelling units including exemption from the rent increase granted pursuant to subparagraph (m) of paragraph one of subdivision g of section 26-405 of the administrative code of the city of New York to the extent that it is not predicated upon any improvement or addition in a category as provided for in subparagraph (d), (e), (f), (g), (h) or (i) of such paragraph.

(2) Application for an exemption order shall be made within ninety days from the date of the rent increase and reclassification or within ninety days of the effective date of this paragraph, whichever is later, and the rent increase exemption order shall take effect as of the effective date of the rent increase and reclassification including any retroactive increments pursuant to such rent increase.

g. notwithstanding any other provision of law to the contrary, where a head of the household holds a current, valid tax abatement certificate and, after the effective date of this paragraph, there is a permanent decrease in the combined income of all members of the household in an amount which exceeds twenty percent of such income as represented in such head of the household's last approved application for a tax

abatement certificate or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to income which existed at the time of approval of such head of the household's last application for a tax abatement certificate or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the combined income of all members of the household unless such head of the household has been granted a rent increase exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to such law. For purposes of this paragraph, a decrease in the combined income of all members of the household shall not include any decrease in such income resulting from the manner in which income is calculated pursuant to any amendment to paragraph c of subdivision one of this section made on or after April first, nineteen hundred eighty-seven. For purposes of this paragraph, "adjusted rent" shall mean maximum rent or legal regulated rent less the amount set forth in a tax abatement certificate.

h. (1) notwithstanding any other provision of law, a head of the household who is otherwise eligible for a senior citizen rent increase exemption order shall be issued an order applicable to a second dwelling unit when such person occupies two contiguous and connected dwelling units, both of which are eligible for a senior citizen rent increase exemption order, as a combined residence and such person has occupied and paid rent for both units for at least two years. Only one head of household shall be issued an exemption order for each eligible contiguous and connected dwelling units pursuant to this paragraph.

(2) if the appropriate rent control agency or administrative agency determines that there was a material misstatement in an application filed by a head of household for a second senior citizen rent increase

exemption order pursuant to this paragraph and that such misstatement provided the basis for the granting of such second exemption order, the rent control agency or administrative agency shall proceed to impose a penalty on the applicant of one thousand dollars in addition to recovering the amount of any prior exemption erroneously granted. For purposes of this paragraph, "contiguous" shall mean adjacent or next to.

i. (1) the entity administering the program shall develop informational material describing eligibility for and benefits of the senior citizen rent increase exemption program and the disability rent increase exemption program administered pursuant to this section, and, how additional information can be obtained regarding these programs. Such informational material shall be provided to landlords of housing accommodations subject to provisions of the local emergency housing rent control act, the emergency tenant protection act of nineteen seventy-four or any local laws enacted pursuant thereto, the emergency housing rent control law, and the rent stabilization law of nineteen hundred sixty-nine.

(2) (A) a landlord of any housing accommodation subject to provisions of the local emergency housing rent control act, the emergency tenant protection act of nineteen seventy-four or any local laws enacted pursuant thereto, the emergency housing rent control law or the rent stabilization law of nineteen hundred sixty-nine shall, at least once annually, including with a new lease and all renewal leases and upon the annual registration of a housing accommodation as required by section 26-517 of the administrative code of the city of New York delivered to the occupant of such accommodation, provide the informational material describing eligibility for and the benefits of the senior citizen rent increase exemption program and the disability rent increase exemption program, as provided by the entity administering the program pursuant to subparagraph one of this paragraph.

(B) The state commissioner of housing and community renewal shall provide notice to a tenant, the form of which shall be determined by such commissioner, clearly and conspicuously displaying the eligibility requirements for the senior citizen rent increase exemption program and the disability rent increase exemption program and the website address and telephone number where tenants may obtain more information. Such

commissioner shall provide such notice to a tenant at the same time as:

(i) Receipt of an application for a rent adjustment due to a major capital improvement; and

(ii) For dwelling units subject to chapter three of title twenty-six of the administrative code of the city of New York, a maximum base rent adjustment pursuant to paragraph one of subdivision g of section 26-405 of the administrative code of the city of New York.

(C) A company, as such term is defined in subdivision two of section twelve of the private housing finance law, shall provide the notice required by clause (A) of this subparagraph to a tenant upon a rent increase pursuant to section thirty-one of the private housing finance law, provided that the company shall provide such notice to a tenant at least once annually.

3-a. The supervising agency shall develop and implement a plan that will increase the ability of applicants and participants to obtain and complete its forms in a community setting. Additionally, the supervising agency shall make assistance available with respect to the completion of such forms. Such plan shall include, but not be limited to:

a. partnering with organizations, where available, that engage in outreach and provide supportive services to seniors within the community to make such forms available to potential applicants and current participants, as well as providing assistance with respect to the completion of such forms. Organizations that have contact with seniors in the community shall include, where applicable, but not be limited to senior centers, community-based organizations, community boards established pursuant to section twenty-eight hundred of the New York city charter, neighborhood preservation companies established pursuant to article sixteen of the private housing finance law, and rural preservation corporations established pursuant to article seventeen of the private housing finance law;

b. partnering with other municipal entities or agencies to disseminate information and forms for the tax abatement program as well as provide assistance with the completion of such forms;

c. providing training for individuals in such partnering organizations, entities, and agencies to assist individuals in completing such forms for the tax abatement program;

d. authorizing organizations, entities, or agencies that offer assistance with forms pursuant to this subdivision to accept completed forms from applicants and participants and forward them to the supervising agency. The supervising agency shall treat such forms as if they had been received directly from the applicant or participant.

4. a. (1) The head of the household must apply every two years to the appropriate rent control agency or administrative agency for a tax abatement certificate on a form prescribed by said agency. Such form shall be made available to any organization, entity, or agency partnering with the supervising agency pursuant to subdivision three-a of this section. Any completed application received pursuant to paragraph d of subdivision three-a of this section shall be treated as if it had been received directly from the applicant or participant.

(2) Upon the adoption of a local law, ordinance, or resolution by the governing board of a municipality, any head of household that has been issued a tax abatement certificate pursuant to this section for five consecutive benefit periods, and whose income and residence have not changed since their last renewal application, shall be eligible to file a short form renewal. Such statement shall be on a form prescribed by the appropriate rent control agency or administrative agency and shall include the following: (i) a sworn statement certifying that such head of household continues to be eligible to receive such certificate and that their income and residence have not changed; and (ii) a certification to be signed by the applicant stating that all information contained in their statement is true and correct to the best of the applicant's knowledge and belief and stating that they understand that the willful making of any false statement of material fact therein shall subject them to the provisions of law relevant to the making and filing of false instruments and loss of their benefit, and that subsequent reapplication shall be as a new applicant.

(b) A tax abatement certificate setting forth an amount not in excess of the increase in maximum rent or legal regulated rent for the taxable

period or such other amount as shall be determined under subdivision three of this section shall be issued by said agency to each head of the household who is found to be eligible under this section on or before the last date prescribed by law for the payment of the taxes or the first installment thereof of any municipal corporation which has granted an abatement of taxes. Copies of such certificate shall be issued to the owner of the real property containing the dwelling unit of the head of the household and to the collecting officer charged with the duty of collecting the taxes of each municipal corporation which has granted the abatement of taxes authorized by this section. The appropriate rent control agency or administrative agency shall send a notice of required renewal to each head of household currently receiving an exemption under this section via United States Postal Service to their primary residence no less than thirty days prior to the application renewal date.

4-a. Notwithstanding any other provision of law to the contrary, where a head of household who holds a current, valid tax abatement certificate dies or permanently leaves the household as specified in rules promulgated by the administrative agency, a surviving member of the household who is eligible under this section may apply to transfer the rent increase exemption from the head of household who has died or permanently left the household into their name and continue the exemption as the new head of household. The option to transfer the rent increase exemption shall be available for a period of six months after the head of household dies or permanently leaves the household or ninety days after the date of notice from the administrative agency informing the household that the rent increase exemption benefit has expired upon the death of the head of household, whichever is later. Such notice shall include an explanation of the process to transfer the exemption to an eligible surviving household member and the time period to do so, accompanied by the form necessary to transfer the exemption.

5. Eligibility. a. To qualify as a person with a disability for the purposes of this section, an individual shall submit to the appropriate rent control agency or administrative agency proof sufficient to such agency that such individual is currently receiving (i) social security disability insurance (SSDI), (ii) supplemental security income (SSI)

benefits under the federal social security act, (iii) disability pension or disability compensation benefits provided by the United States department of veterans affairs, (iv) disability pension or disability compensation benefits provided by the United States Postal Service, or (v) those previously eligible by virtue of receiving disability benefits under the supplemental security income program or the social security disability program and currently receiving medical assistance benefits based on determination of disability as provided in section three hundred sixty-six of the social services law.

b. Eligibility shall be determined as of a date prescribed by the appropriate rent control agency or administrative agency pursuant to the local law, ordinance or resolution and such local law, ordinance or resolution may provide for a pro rata refund of taxes paid prior to such eligibility date or a credit therefor against the next succeeding tax periods.

c. The entity that administers the tax abatement pursuant to this section shall develop a system to ensure that participants that are eligible for this tax abatement program pursuant to paragraph b of subdivision three of this section and subsequently become eligible pursuant to paragraph a of subdivision three of this section, shall have timely notice of the need to reapply for the tax abatement program during the first reapplication period after meeting the eligibility criteria of paragraph a of subdivision three of this section and for every reapplication thereafter based on their eligibility pursuant to paragraph a of subdivision three of this section.

d. An entity administering this program shall not consider any eligibility criteria that are not contained in this section in determining whether to approve or deny an application for the tax abatement program.

6. The amount set forth in a tax abatement certificate shall be deducted from the total taxes levied by or on behalf of the municipal corporation which has granted such abatement on real property containing the dwelling unit of a head of the household to whom the certificate has

been issued. In the event that both a town and a village included therein grant such abatement, such deduction for properties located in the village shall be made first from taxes levied by or on behalf of the village and any excess thereof shall be deducted from town taxes.

7. Upon the vacancy of a dwelling unit for which an abatement certificate has been issued, the owner thereof shall remit a pro rata portion of the tax abatement to the collecting officer of the municipal corporation which granted such abatement and any amount due by reason of such vacancy shall be a lien upon the property on and after the date of such vacancy.

8. Where a tax abatement certificate has been issued to a head of the household as authorized by a local law, ordinance or resolution adopted pursuant to this section and the landlord collects or attempts to collect all or part of the amount covered by such tax abatement certificate, the amount of such abatement shall be deemed a rent overcharge under the applicable rent control or rent regulation law.

9. In a city with a population of one million or more, any such local law, ordinance or resolution may provide that in the event the tax abatement certificate authorizes an amount of deduction in excess of the real estate quarterly installment, then the balance may be applied to any subsequent installment until exhausted, provided that, at the request of the owner, such balance shall be paid to the owner in lieu of being applied to any subsequent installment, except where the owner is in arrears in the payment of real estate taxes on any property. For the purposes of such provision of any such local law, ordinance or resolution, where the owner is a corporation, it shall be deemed to be in arrears when any officer, director or any person holding an interest in more than ten percent of the issued and outstanding stock of such corporation is in arrears in the payment of real estate taxes on any property; where title is held by a nominee, the owner shall be deemed to be in arrears when the person for whose benefit such title is held is in arrears in the payment of real estate taxes on any property.

10. In a city of one million or more, a head of household may apply

for a recalculation of his or her current rent increase exemption amount, provided that such head of household's previous rent increase exemption expired on or after December thirty-first, two thousand thirteen; he or she was determined to be ineligible for a rent increase exemption renewal prior to July first, two thousand fourteen; and he or she was determined eligible for a rent increase exemption under the eligibility criteria that took effect July first, two thousand fourteen. The tax exemption amount shall be recalculated as if such head of household's previous rent increase exemption order, as adjusted by any other provision of this section, did not expire.

11. An entity that administers the tax abatement program pursuant to this section shall implement and administer a program that develops outreach initiatives to identify individuals who meet the eligibility criteria for the tax abatement program who are not participating in the program and ensure that they have information regarding the tax abatement program. Such outreach program may include, but shall not be limited to, mailings, advertisements, public service announcements, literature dissemination, internet technology, social media, community outreach, and partnerships with other municipal entities and agencies. An entity that administers the tax abatement program may consult with any other person or entity deemed pertinent to develop the outreach initiative.

12. Any municipality that adopts a local law, resolution, or ordinance pursuant to subdivision two of this section shall develop a program to allow applicants and participants to ascertain the status of any tax abatement or the status of any form that has been filed by such applicant or participant on the applicant or participant's behalf pursuant to this section. Such program shall include provisions to ensure that applicants and participants whose primary language is not English, who may have communication restrictions due to partial or total blindness, deafness, speech impediment, or cognitive impairment, and/or who lack access to the internet may ascertain such status.

13. a. Within ten days of receiving any form for application, renewal, or adjustment of abatement for the tax abatement program, a letter

acknowledging receipt of such form shall be sent to the applicant. Such letter shall include the date the form was received.

b. Within thirty days of the receipt of an application or renewal application from an applicant, the entity that administers the tax abatement program shall approve the application or renewal application for the tax abatement program, deny the application or renewal application for the tax abatement program, or request further information or documentation from the applicant. If a request is made for further information or documentation, the entity that administers the tax abatement program shall have fifteen days after such information or documentation requested is received by the entity to either approve or deny the application or renewal application.

c. Within thirty days of the receipt of any form other than an application or renewal application form from an applicant, the entity that administers the program shall act on such form.

d. Within ten days of approving or rejecting an application or renewal application pursuant to paragraph b of this subdivision or acting upon any other form pursuant to paragraph c of this subdivision, a written notification shall be sent to the individual who made such application or renewal application or sent such form. Such written notification shall include the action taken by the entity administering the tax abatement program, the date such action was taken, what recourse is available should the individual be dissatisfied with such action, and how to pursue the recourse available.

§ 467-c. Exemption for property owned by certain housing companies or sublessees of the battery park city authority and occupied by senior citizens or persons with disabilities. 1. Definitions. As used in this section:

a. "Commissioner" means the commissioner of the state division of housing and community renewal.

b. "Dwelling unit" means that part of a dwelling in which an eligible head of the household resides and (1) which is subject to the provisions of Article II, IV, V, or XI of the private housing finance law or that was formerly subject to the provisions of Article II of such law and meets the conditions set forth in subdivision thirteen of this section; or (2) which was or continues to be subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended, in which an eligible head of the household resides; or (3) which is within an applicable battery park city property.

c. "Eligibility date" means the later of (1) January first, nineteen hundred seventy-five or (2) the last day of the month in which a person became an eligible head of a household in the dwelling unit in which such person resides at the time of filing the most recent application for benefits hereunder; or in the case of a dwelling subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended, "eligibility date" means the later of (1) July first, nineteen hundred seventy-seven, or (2) the last day of the month in which a person became an eligible head of a household in the dwelling unit in which such person resides at the time of filing the most recent application for benefits hereunder.

d. "Eligible head of the household" means * (1) a person or their spouse who is sixty-two years of age or older and is entitled to the possession or to the use and occupancy of a dwelling unit, provided, however, with respect to a dwelling which was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended "eligible head of the household" shall be limited to that person or their spouse who was entitled to possession or the use and occupancy of such dwelling unit at the time of termination of such mortgage, and whose income when combined with the income of all other members of the household, does not exceed six thousand five hundred dollars for the taxable period, or such other sum not less than sixty-five hundred dollars nor more than twenty-five thousand dollars beginning July first,

two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, twenty-nine thousand dollars beginning July first, two thousand nine, fifty thousand dollars beginning July first, two thousand fourteen, and seventy-five thousand dollars beginning July first, two thousand twenty-six, as may be provided by local law.

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* (1) a person or his or her spouse who is sixty-two years of age or older and is entitled to the possession or to the use and occupancy of a dwelling unit, provided, however, with respect to a dwelling which was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended "eligible head of the household" shall be limited to that person or his or her spouse who was entitled to possession or the use and occupancy of such dwelling unit at the time of termination of such mortgage, and whose income when combined with the income of all other members of the household, does not exceed six thousand five hundred dollars for the taxable period, or such other sum not less than sixty-five hundred dollars nor more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine, as may be provided by local law; or

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(2) a person with a disability as defined in this subdivision.

e. "Housing company" means any limited-profit housing company, limited dividend housing company, redevelopment company or housing development fund company incorporated pursuant to the private housing finance law and operated exclusively for the benefit of persons or families of low income; or any corporate owner of a dwelling which is or was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended.

f. "Income" means:

(1) the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions, plus any social security benefits not included in such federal adjusted gross income; provided that if no such return was filed for the applicable income tax year, the applicant's income shall be determined based on the amounts that would have so been reported if such a return had been filed; and provided further, that when determining income for purposes of this section, the following conditions shall be applicable:

(i) the governing body of a municipal corporation, after a public hearing, may adopt a local law, ordinance or resolution providing that any social security benefits that were not included in the applicant's adjusted gross income shall not be considered income;

(ii) distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income shall not be considered income unless the governing body of a municipal corporation, after a public hearing, adopts a local law, ordinance or resolution providing otherwise;

(iii) the applicant's income shall be offset by all medical and prescription drug expenses actually paid that were not reimbursed or paid for by insurance, if the governing body of a municipal corporation, after a public hearing, adopts a local law, ordinance or resolution providing therefor;

(iv) any tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income shall be considered income; and

(v) any losses that were applied to reduce the applicant's federal adjusted gross income shall be subject to the following limitations:

(A) the net amount of loss reported on federal Schedule C, D, E, or F shall not exceed three thousand dollars per schedule,

(B) the net amount of any other separate category of loss shall not exceed three thousand dollars, and

(C) the aggregate amount of all losses shall not exceed fifteen thousand dollars; and

(vi) When the eligible head of the household has retired on or after the commencement of the taxable period and prior to the date of making an application for a rent increase exemption order/tax abatement certificate pursuant to this section, such person's income shall be adjusted by excluding salary or earnings and projecting such person's retirement income over the entire taxable period; or

(2) notwithstanding subparagraph one of this paragraph, in a city with a population of one million or more persons:

(i) the sum of the adjusted gross incomes reported on the federal income tax returns of the applicant and all other members of the applicant's household for the most recent income tax year or years for which data is sufficiently available to determine the applicant's eligibility for exemptions pursuant to this section, subject to any subsequent amendments or revisions, less any distributions, to the extent included in each such adjusted gross income, received from an individual retirement account or retirement annuity; provided that if no such income tax return was filed by any member of the applicant's household for such income tax year, the income of such applicant or member of the applicant's household shall be determined as if such a return had been filed;

(ii) provided, however, that income may be calculated as the income received by the eligible head of the household combined with the income of all other members of the household from all sources after deduction of all income and social security taxes and includes without limitation, social security and retirement benefits, supplemental security income and additional state payments, public assistance benefits, interest, dividends, net rental income, salary and earnings, and net income from self employment, but shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution as defined in federal P.L. 103-286, nor increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the eligibility date of an eligible head of the household receiving benefits hereunder whether received by the eligible head of the household or any other member of the household, when the following conditions are met:

(A) a rent increase exemption order was granted to the head of household prior to July first, two thousand twenty-four;

(B) such rent increase exemption order is either renewed after each benefit period or granted pursuant to subparagraph four of paragraph a of subdivision three of this section to account for a temporary increase in income;

(C) income calculated as described in this clause would yield a lower amount than income calculated as described in clause (i) of this subparagraph; and

(iii) provided, further, that a change in the method of calculating income pursuant to this subparagraph shall not affect eligibility to file a short-form renewal application in accordance with subparagraph two of paragraph a of subdivision four of this section.

g. "Income tax year" means a twelve month period for which the head of the household filed a federal personal income tax return, or if no such return is filed, the calendar year.

h. "Increase in maximum rent" means any increase in the maximum rent for the dwelling unit becoming effective on or after the eligibility date, including capital assessments and voluntary capital contributions but excluding any increase in maximum rent attributable to gas or electrical utility charges or an increase in dwelling space, services or equipment, or an exemption from the maximum rent or legal regulated rent as specified in paragraph b of subdivision three of this section, provided, however, that with respect to any dwelling unit in a dwelling which is or was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended, "increase in maximum rent" shall not include any increase in maximum rent attributable to capital assessments or voluntary capital contributions.

i. "Maximum rent" means the maximum rent, excluding gas and electric utility charges, which has been authorized or approved by the commissioner or the supervising agency or the legal regulated rent established for the dwelling unit pursuant to the provisions of either Article II, IV, V or XI of the private housing finance law, or the

rental established for a cooperatively owned dwelling unit previously regulated pursuant to the provisions of Article II, IV, V or XI of the private housing finance law; or such approved rent for a dwelling unit in a dwelling subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended; or such rent established for a dwelling unit which was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended; or the rent established for an applicable battery park city property.

j. "Members of the household" means the head of the household and any person, permanently residing in the dwelling unit.

k. "Supervising agency" means the comptroller in a municipality having a comptroller; in a municipality having no comptroller, the chief fiscal officer of such municipality; except that in the city of New York it shall be the department of housing preservation and development.

l. "Taxable period" means the income tax year immediately preceding the date of making application for a rent increase exemption order/tax abatement certificate.

* m. "Person with a disability" means an individual who is currently receiving social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal social security act or disability pension or disability compensation benefits provided by the United States department of veterans affairs or those previously eligible by virtue of receiving disability benefits under the supplemental security income program or the social security disability program and currently receiving medical assistance benefits based on determination of disability as provided in section three hundred sixty-six of the social services law and whose income for the current income tax year, together with the income of all members of such individual's household, does not exceed fifty thousand dollars beginning July first, two thousand fourteen, and seventy-five thousand dollars beginning July first, two thousand twenty-six, as may be provided by local law.

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* m. "Person with a disability" means an individual who is currently receiving social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal social security act or disability pension or disability compensation benefits provided by the United States department of veterans affairs or those previously eligible by virtue of receiving disability benefits under the supplemental security income program or the social security disability program and currently receiving medical assistance benefits based on determination of disability as provided in section three hundred sixty-six of the social services law and whose income for the current income tax year, together with the income of all members of such individual's household, does not exceed the maximum income at which such individual would be eligible to receive cash supplemental security income benefits under federal law during such tax year.

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n. "Applicable battery park city property" means a property that is (1) subject to a lease or sublease with the battery park city authority; and (2) has one or more residential units which are subject to limitations on rent increases pursuant to:

(i) a contractual agreement with the battery park city authority, which may be within the lease or sublease between the battery park city authority and the lessee or sublessee; or

(ii) a regulatory agreement with the commissioner or supervising agency.

2. The governing body of any city having a population of one million or more, acting through its local legislative body or other governing agency is hereby authorized and empowered to adopt and amend local laws or ordinances providing that real property of a housing company shall be exempt from real property taxes and that real property of an applicable battery park city property shall be exempt from payments in lieu of taxes (PILOT), in an amount equal to the rent increase exemptions actually credited to eligible heads of households pursuant to this section. Any such exemption shall be in addition to any other exemption or abatement of taxes authorized by law.

3. Any such local law or ordinance shall provide that: a. an eligible head of the household may obtain a rent increase exemption order/tax abatement certificate entitling him to an exemption from increases in the maximum rent otherwise payable in one of the following amounts:

(1) where the eligible head of the household does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which increases in the maximum rent subsequent to such person's eligibility date have resulted in the maximum rent exceeding one-third of the combined income of all members of the household for the taxable period, except that in no event shall a rent increase exemption order/tax abatement certificate become effective prior to January first, nineteen hundred seventy-six; or

(2) where the eligible head of the household receives a monthly allowance for shelter pursuant to the social services law, an amount not exceeding that portion of any increase in maximum rent subsequent to such person's eligibility date which is not covered by the maximum allowance for shelter which such person is entitled to receive pursuant to the social services law.

(3) provided, however, that in a city of a population of one million or more, where the eligible head of the household has been granted a rent increase exemption order as a person with a disability as defined in paragraph m of subdivision one of this section that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen, the amount determined by subparagraph one of this paragraph shall be an amount not in excess of the difference between the maximum rent and the amount specified in such order, as adjusted by any other provision of this section.

(4) (a) Provided, however, that in a city with a population of one million or more, a head of the household who has received a rent increase exemption order that has expired and who, upon renewal application for the period commencing immediately after such expiration, is determined to be ineligible for a rent increase exemption order because the combined income of all members of the household exceeds the maximum amount allowed by this section or the maximum rent or legal regulated rent does not exceed one-third of the combined income of all members of the household, may submit a new application during the

following calendar year, and if such head of the household receives a rent increase exemption order that commences during such calendar year, the tax abatement amount for such order shall be calculated as if such prior rent increase exemption order had not expired. However, no tax abatement benefits may be provided for the period of ineligibility.

(b) No head of the household may receive more than three rent increase exemption orders calculated as if a prior rent increase exemption order had not expired, as described in clause (a) of this subparagraph.

b. notwithstanding any other provision of law, when a head of the household to whom a then current, valid tax abatement certificate has been issued moves his principal residence from one dwelling unit subject to this section, to the local emergency housing rent control law or to the emergency tenant protection act of nineteen seventy-four to a subsequent dwelling unit which is subject to the provisions of articles II, IV, V or XI of the private housing finance law and which is located within the same municipal corporation, or which is or was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended, and which is located within the same municipal corporation, or which is an applicable battery park city property, the head of the household may apply for a tax abatement certificate relating to the subsequent dwelling unit, subject to any terms and conditions imposed by reason of any fund created under subdivision eight of this section, and such certificate may provide that the head of the household shall be exempt from paying that portion of the maximum rent or legal regulated rent for the subsequent dwelling unit which is the least of the following:

(1) the amount by which the rent for the subsequent dwelling unit exceeds the last rent, as so reduced, which the head of the household was required to actually pay in the original dwelling unit;

(2) the most recent amount so deducted from the maximum rent or legal regulated rent in the original dwelling unit; or

(3) where the head of the household does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which the maximum rent or legal regulated rent of the subsequent dwelling unit exceeds one-third of the combined income of all members of the household, except that this subparagraph shall not apply to a head

of the household who has been granted a rent increase exemption order as a person with a disability as defined in paragraph m of subdivision one of this section that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen.

c. Notwithstanding any other provision of law, when a dwelling unit subject to the provisions of article II, IV, V or XI of the private housing finance law or subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the national housing act, as amended, is later reclassified by order of the commissioner, the supervising agency or any other governmental agency supervising such dwelling unit, or by operation of law to a dwelling unit subject to any of the provisions of article II, IV, V or XI of the private housing finance law, the rent stabilization law of nineteen hundred sixty-nine of the city of New York or the emergency tenant protection act of nineteen seventy-four, or when a dwelling unit subject to such rent stabilization law or such emergency tenant protection act, or subject to the emergency housing rent control law or to the rent and rehabilitation law of the city of New York enacted pursuant to the local emergency housing rent control act, is reclassified by order of the commissioner or the supervising agency or by operation of law to a dwelling unit subject to any of the aforementioned provisions of the private housing finance law or subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the national housing act, as amended, a head of the household who held or holds a valid rent increase exemption order at the time of the reclassification shall be issued a rent increase exemption order under applicable law continuing the previous exemption notwithstanding the reclassification of the dwelling unit.

d. notwithstanding any other provision of law to the contrary, where a eligible head of the household holds a current, valid rent increase exemption order/tax abatement certificate and, after the effective date of this paragraph, there is a permanent decrease in income in an amount which exceeds twenty percent of such income as represented in such eligible head of household's last approved application for a rent

increase exemption order/tax abatement certificate or for renewal thereof, such eligible head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to income which existed at the time of approval of such eligible head of the household's last application for a rent increase exemption order/tax abatement certificate or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of an eligible head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of income unless such head of the household has been granted a rent increase exemption order as a person with a disability as defined in paragraph m of subdivision one of this section that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of an eligible head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such eligible head of the household is entitled to receive pursuant to law. For purposes of this paragraph, a decrease in income shall not include any decrease in income resulting from the manner in which income is calculated pursuant to any amendment to paragraph f of subdivision one of this section made on or after April first, nineteen hundred eighty-seven. For purposes of this paragraph, "adjusted rent" shall mean maximum rent less the amount set forth in a rent increase exemption order/tax abatement certificate.

e. (1) notwithstanding any provision of law to the contrary:

(A) A tenant residing in a dwelling unit subject to the provisions of this section shall be furnished a notice informing such tenant about the tenant's potential eligibility for a rent increase exemption pursuant to this section.

(B) The form and content of such notice shall be promulgated as required by paragraph i of subdivision three of section four hundred sixty-seven-b of this title.

(C) Such notice shall clearly and conspicuously display the eligibility requirements for the rent increase exemption and the website address and telephone number where tenants may obtain more information.

(2) The notice required by subparagraph one of this paragraph shall be furnished by the following agencies or individuals at the same time as the notice required by the occurrence of the following events:

(A) Notwithstanding clause (B) of subparagraph one of this paragraph, the state commissioner of housing and community renewal shall provide such notice, in a form to be determined by such commissioner, to a tenant:

(i) Upon receipt of an application for a rent adjustment due to a major capital improvement; and

(ii) For dwelling units subject to chapter three of title twenty-six of the administrative code of the city of New York, upon a maximum base rent adjustment pursuant to paragraph one of subdivision g of section 26-405 of the administrative code of the city of New York.

(B) The landlord of a dwelling unit shall provide such notice to a tenant:

(i) With an initial lease and any renewal lease; and

(ii) Upon the annual registration of a housing accommodation as required by section 26-517 of the administrative code of the city of New York.

(C) A company, as such term is defined in subdivision two of section twelve of the private housing finance law, shall provide such notice to a tenant upon a rent increase pursuant to section thirty-one of the private housing finance law, provided that the company shall provide such notice to a tenant at least once annually.

4. a. (1) Any such local law or ordinance may provide that the eligible head of the household shall apply annually to the supervising agency for a rent increase exemption order/tax abatement certificate on a form to be prescribed and made available by the supervising agency.

(2) Upon the adoption of a local law, ordinance, or resolution by the governing board of a municipality, any head of household that has been issued a tax abatement certificate pursuant to this section for five consecutive benefit periods, and whose income and residence have not changed since their last renewal application, shall be eligible to file a short form renewal. Such statement shall be on a form prescribed by the appropriate rent control agency or administrative agency and shall include the following: (i) a sworn statement certifying that such head

of household continues to be eligible to receive such certificate and that their income and residence have not changed; and (ii) a certification to be signed by the applicant stating that all information contained in their statement is true and correct to the best of the applicant's knowledge and belief and stating that they understand that the willful making of any false statement of material fact therein shall subject them to the provisions of law relevant to the making and filing of false instruments and loss of their benefit, and that subsequent reapplication shall be as a new applicant.

b. The supervising agency shall approve or disapprove applications and, if it approves, shall issue a rent increase exemption order/tax abatement certificate. Copies of such order/certificate shall be issued to the housing company managing the dwelling unit of the eligible head of the household, to the eligible head of the household and to the collecting officer charged with the duty of collecting the taxes of the municipality. The appropriate supervising agency shall send a notice of required renewal to each head of household currently receiving an exemption under this section via United States Postal Service to their primary residence no less than thirty days prior to the application renewal date.

4-a. Notwithstanding any other provision of law to the contrary, where a head of household who holds a current, valid tax abatement certificate dies or permanently leaves the household as specified in rules promulgated by the supervising agency, a surviving member of the household who is eligible under this section may apply to transfer the rent increase exemption from the head of household who has died or permanently left the household into their name and continue the exemption as the new head of household. The option to transfer the rent increase exemption shall be available for a period of six months after the head of household dies or permanently leaves the household or ninety days after the date of notice from the supervising agency informing the household that the rent increase exemption benefit has expired upon the death of the head of household, whichever is later. Such notice shall include an explanation of the process to transfer the exemption to an eligible surviving household member and the time period to do so,

accompanied by the form necessary to transfer the exemption.

5. Any such local law or ordinance may provide that the effective date of a rent increase exemption order/tax abatement certificate shall be the date of the first increase in maximum rent becoming effective after the applicant's eligibility date except that in no event shall a rent increase exemption order/tax abatement certificate become effective prior to January first, nineteen hundred seventy-six.

6. Any such local law or ordinance may provide that upon receipt of a copy of the rent increase exemption order/tax abatement certificate, the housing company managing the dwelling unit or the landlord of the dwelling unit within an applicable battery park city property, of the eligible head of the household shall promptly accord to the eligible head of the household covered by such order/certificate the appropriate credit against the monthly maximum rent then or thereafter payable. To the extent the full amount of such credit has not been accorded for any past period since the effective date specified in the order/certificate, the housing company or landlord shall credit the total aggregate amount not so credited to the monthly maximum rent next payable or to such subsequent monthly maximum rents as the supervising agency may authorize. It shall be illegal to collect any amount for which a rent increase exemption order/tax abatement certificate provides credit or to withhold credit for any such amounts already collected, and collection or retention of any such amount for a dwelling unit occupied by such eligible head of the household shall be deemed a rent overcharge, and upon conviction therefor the housing company and its directors and any employee and any agent responsible therefor or the landlord and any employee and any agent responsible therefor shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars or imprisonment not to exceed six months, or both.

7. Any such local law or ordinance may provide that in order to obtain the benefits to which it is entitled under this section, a housing company or landlord of an applicable battery park city property must file with the collecting officer charged with the duty of collecting taxes of the municipality or PILOT a sworn application, in such form as

such officer may prescribe, for any quarterly period in which the housing company or landlord has accorded an eligible head of the household an exemption hereunder from the payment of the maximum rent. Subject to prior or subsequent verification thereof, the collecting officer shall credit the total amount of such exemptions actually accorded to occupants of dwelling units contained in the property against the real property taxes or PILOT otherwise payable with respect to the property. The housing company or landlord shall attach to such application copies of all rent increase exemption orders/tax abatement certificates issued to eligible heads of the household residing in dwelling units in such real property.

8. Any such local law or ordinance may provide that in the event that the real property of a housing company or applicable battery park city property containing one or more dwelling units shall be totally exempt from local and municipal real property taxes or PILOT for any fiscal year as a result of the exemptions from maximum rent credited pursuant to this section, or otherwise, such municipality may make or contract to make payments to a housing company or landlord in an amount not exceeding the amount necessary to reimburse the housing company or landlord for the total dollar amount of all exemptions from the payment of the maximum rent accorded pursuant to this section to eligible heads of the household residing in dwelling units in such real property. Notwithstanding the foregoing, the battery park city authority shall have no obligation whatsoever to reimburse a landlord.

A municipality may create and establish a fund in order to provide for the payments made in accordance with contracts entered into pursuant to this subdivision. There may be paid into such fund (1) all of the rental surcharges collected by the municipality from housing companies organized and existing pursuant to Articles II, IV, V and XI of the private housing finance law and (2) any moneys appropriated or otherwise made available by the municipality for the purpose of such fund.

9. The supervising agency may promulgate such rules and regulations as may be necessary to effectively carry out the provisions of this act.

10. Any such local law or ordinance may provide that it shall be illegal, for any person submitting an application for a rent increase exemption pursuant to this section, to make any false statement or willful misrepresentation of fact, and upon conviction thereof such applicant shall be guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars or imprisonment not to exceed ninety days, or both.

11. Notwithstanding any other provision of law and to the extent applicable to the provisions of this section, any renewal application being made by the tenant pursuant to this section, any rent exemption order then in effect with respect to such tenant shall be deemed renewed until such time as the city rent agency shall have found such tenant to be either eligible or ineligible for a rent exemption order but in no event for more than six additional months. If such tenant is found eligible, the order shall be deemed to have taken effect upon expiration of the exemption. In the event that any such tenant shall, subsequent to any such automatic renewal, not be granted a rent exemption order, such tenant shall be liable to his landlord for the difference between the amounts he has paid under the provisions of the automatically renewed order and the amounts which he would have been required to pay in the absence of such order. Any rent exemption order issued pursuant to this section shall include provisions giving notice as to the contents of this subdivision relating to automatic renewals of rent exemption orders.

12. Notwithstanding any inconsistent provision of law, any such local law or ordinance may provide that whenever a rent increase exemption order/tax abatement certificate is issued to an eligible head of the household residing in a dwelling unit owned by a housing company which is subject to the provisions of article II, IV, V or XI of the private housing finance law entitling such eligible person to an exemption from an increase in maximum rent attributable to a capital assessment or voluntary capital contribution made prior to, on or after the effective date of this subdivision and such person later transfers his shares in such housing company, such person shall be required to pay over to such housing company, or such housing company shall be entitled to deduct

from the amount to be paid to such person for the sale of such shares, all amounts covered by such rent increase exemption order/tax abatement certificate which are attributable to such capital assessment or voluntary capital contribution. Such housing company shall not approve the transfer of shares unless it has received the payment required by the preceding sentence or made the deduction therein authorized. Such housing company shall remit such amount to the municipality within ninety days of the collection thereof. Payments due to the municipality in accordance with this subdivision shall be deemed a tax lien and may be enforced in any manner authorized for the collection of delinquent taxes on real property.

13. In a city with a population of one million or more, any such local law, ordinance or resolution may provide for a rent increase exemption order and the abatement of taxes of such city imposed on real property formerly subject to the provisions of Article II of the private housing finance law prior to the effective date of the chapter of the laws of two thousand twenty-two that added this subdivision containing dwelling units that are subject to a regulatory agreement in which the qualifying head of household or their qualifying successor in interest: (a) has a signed agreement with the landlord to limit increases in maximum rent for the lifetime of the tenancy to an amount established by the rent guidelines board in its annual guidelines for rent adjustments for housing accommodations subject to the emergency tenant protection act of nineteen seventy-four or the administrative code of the city of New York or to another amount provided for in such regulatory agreement; and (b) is otherwise eligible for such tax abatement. Any such local law, ordinance, or resolution may provide that the effective date of a rent increase exemption order/tax abatement certificate shall be May thirty-first, two thousand twenty-two for any applicant found eligible on or before March thirty-first, two thousand twenty-four.

§ 467-d. Assessment exemption for certain living quarters constructed to be occupied by a senior citizen or disabled individual. 1. A town which is bordered by the Hudson river on the west and a different county other than the one in which it is located on the north and is located in

a county which has a county tax commission with members who serve five year overlapping terms and have powers and duties with respect to real property taxation, acting through its local legislative body is hereby authorized and empowered to adopt and amend local laws to provide for an exemption from taxation and special ad valorem levies to the extent of any increase in assessed value of residential property resulting from the construction or reconstruction of such property for the purpose of providing living quarters for a senior citizen, who is sixty-five years of age or older, or individuals considered disabled and receiving social security disability benefits. Such an exemption shall not exceed (a) the increase in assessed value resulting from construction or reconstruction of such property, or (b) twenty percent of the total assessed value of such property as improved, or (c) twenty percent of the median sale price of residential property as reported in the most recent statistical sales summary published by the office of real property services for the county in which the property is located, whichever is less.

2. No such exemption shall be granted unless:

(a) the zoning ordinance of such town in which such property is located permits the construction or reconstruction of residential property for the purpose of providing living quarters for senior citizens or disabled individuals;

(b) the property is located within the geographical area in which such construction or reconstruction is permitted; and

(c) the residential property is so constructed or reconstructed such that it is the principal place of residence for the owner.

3. Such exemption shall be applicable only to construction or reconstruction which occurred subsequent to the effective date of this section and shall only apply during taxable years in which such living quarters are the legal residence of the senior citizen or disabled person.

4. Such exemption from taxation shall be granted upon an application which shall include a statement that a qualified senior citizen or disabled individual resides at the residence and shall be made annually upon a form to be promulgated by the office of real property services

and filed by the owner of such property to the assessor of such town which has the power to assess property for taxation on or before the appropriate taxable status date of such town. If the assessor is satisfied that the property is qualified for an exemption pursuant to this section, then such residential improvements shall be exempt from taxation and special ad valorem levies as herein provided.

5. Any conviction of having made any willful false statements in the application for such exemption shall result in the revocation thereof, be punishable by a civil penalty of not more than two hundred dollars and shall disqualify the applicant or applicants from further exemptions for a period of two years.

§ 467-e. Rebate for owners or tenant-stockholders of one, two or three family residences or residential property held in the condominium or cooperative form of ownership in a city having a population of one million or more. 1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, any city having a population of one million or more is hereby authorized and empowered to adopt and amend local laws in accordance with this section to grant a rebate of real property taxes for fiscal years beginning on the first of July, two thousand three and ending on the thirtieth of June, two thousand nine in the amount of the lesser of four hundred dollars or the annual tax liability imposed on the property. No such local law may be adopted unless, as originally adopted, it authorizes such rebate to be granted in accordance with this section for three consecutive fiscal years beginning with the fiscal year beginning on the first of July, two thousand three. No such rebate shall be granted by local law for any fiscal year beginning on or after the first of July, two thousand nine, unless the council of such city, in fixing the annual tax rates for any such fiscal year, shall have uniformly reduced such rates for all classes of property in order to produce real property tax relief among such classes of property in an amount not less than, in the aggregate, the aggregate amount of rebate paid in such fiscal year. No such local law implementing the provisions of this section, as amended by the chapter of the laws of two thousand seven which added this sentence, may

be adopted unless, as originally adopted, such local law authorizes such rebate to be granted in accordance with this section for three consecutive fiscal years beginning with the fiscal year beginning on the first of July, two thousand six. Any rebate authorized by local law in accordance with this section shall be paid in the fiscal year following the fiscal year for which the rebate is granted. If, with respect to the fiscal year of such city beginning on the first of July, two thousand eight and ending on the thirtieth of June, two thousand nine, an increase in average real property tax rates would otherwise be necessary in the resolution of such city council fixing real property tax rates for such fiscal year pursuant to the charter of such city, then the rebate to be paid for such fiscal year shall be reduced or eliminated as follows: where the sum to be raised by such increase is less than seven hundred fifty million dollars, then such rebate shall be reduced by fifty cents for each dollar of increase, and where the sum to be raised by such increase is seven hundred fifty million dollars or more, then such rebate shall be eliminated. The determination of the reduction or elimination of such rebate shall be set forth in such resolution after consultation with the department of finance of such city and shall take effect upon the final adoption of such resolution. Such rebate shall be paid to an owner or tenant-stockholder who, as of the date the application provided for in subdivision four of this section is due, owns a one, two or three family residence or a dwelling unit in residential property held in the condominium or cooperative form of ownership that is the owner or tenant-stockholder's primary residence and meets all other eligibility requirements of this section. Notwithstanding anything to the contrary in sections four hundred twenty-one-a, four hundred twenty-one-b or four hundred twenty-one-g of this title, an owner or tenant-stockholder whose property is receiving benefits pursuant to such sections shall not be prohibited from receiving a rebate pursuant to this section if such owner or tenant-stockholder is otherwise eligible to receive such rebate. Tenant-stockholders of dwelling units in a cooperative apartment corporation incorporated as a mutual company pursuant to article two, four, five or eleven of the private housing finance law shall not be entitled to the rebate authorized by this section. Such rebate shall be paid by the commissioner of finance to eligible owners or

tenant-stockholders in accordance with rules promulgated by the commissioner of finance.

2. Eligibility requirements. a. To qualify for the rebate pursuant to this section (1) the property must be a one, two or three family residence or residential property held in the condominium or cooperative form of ownership;

(2) the property must serve as the primary residence of one or more of the owners or tenant-stockholders thereof; and

(3) the owner must not be in arrears in the payment of real property taxes in an amount in excess of twenty-five dollars for the fiscal year for which the rebate is claimed and all prior fiscal years, and for residential property held in the cooperative form of ownership, there must be no arrears in the payment of real property taxes in an amount in excess of an average of twenty-five dollars per dwelling unit in such cooperative apartment corporation for the fiscal year for which the rebate is claimed and all prior fiscal years.

b. If legal title to the property is held by one or more trustees, the beneficial owner or owners shall be deemed to own the property for purposes of this subdivision.

3. Definitions. As used in this section:

a. "Applicant" means the owner or owners or tenant-stockholder or tenant-stockholders of the property.

b. "Commissioner of finance" means the commissioner of finance of a city having a population of one million or more, or his or her designee.

c. "Property" means a one, two or three family residence or a dwelling unit in residential property held in the condominium or cooperative form of ownership.

4. Application procedure. a. Generally. Notwithstanding any provision of any general, special or local law to the contrary, an application for a rebate pursuant to this section for the fiscal year beginning the

first of July, two thousand three, shall be made no later than the date published by the commissioner of finance in the city record and in other appropriate general notices pursuant to this subdivision, which date shall be no earlier than thirty days after the effective date of this subdivision. An application for a rebate pursuant to this section for fiscal years beginning on or after the first of July, two thousand four and ending on the thirtieth of June, two thousand six, shall be made no later than the fifteenth of March of the fiscal year for which the rebate is claimed. An application for a rebate pursuant to this section for fiscal years beginning on or after the first of July, two thousand six, shall be made no later than the first of September following the fiscal year for which the rebate is claimed. All owners or tenant-stockholders of property who primarily reside thereon must jointly file an application for the rebate on or before the application deadline, unless such owners or tenant-stockholders currently receive a real property tax exemption pursuant to section four hundred twenty-five, four hundred fifty-eight, four hundred fifty-eight-a, four hundred fifty-nine-c or four hundred sixty-seven of this title, in which case no separate application for a rebate pursuant to this section shall be required. Such application may be filed by mail if it is enclosed in a postpaid envelope properly addressed to the commissioner of finance, deposited in a post office or official depository under the exclusive care of the United States postal service, and postmarked by the United States postal service on or before the application deadline. Each such application shall be made on a form prescribed by the commissioner of finance, which shall require the applicant to agree to notify the commissioner of finance if his, her or their primary residence changes after receiving the rebate pursuant to this section, or after filing an application for such rebate, if his, her or their primary residence changes after filing such application, but before receiving such rebate. The commissioner of finance may request that proof of primary residence be submitted with the application. No rebate pursuant to this section shall be granted unless the applicant, if required to do so by this subdivision, files an application within the time periods prescribed in this subdivision.

b. Approval or denial of application. If the commissioner of finance

determines that the applicant is entitled to the rebate pursuant to this section, the commissioner shall approve the application and such owner or tenant-stockholder shall thereafter be entitled to the rebate as provided in this section. If the commissioner of finance determines that the applicant is not entitled to the rebate pursuant to this section, the commissioner shall mail to each applicant not entitled to the rebate a notice of denial of that application for the rebate for that year in accordance with rules for denial of applications to be promulgated by the commissioner of finance. The notice of denial shall specify the reason for such denial and shall be sent on a form prescribed by the commissioner of finance. Failure to mail any such notice of denial or the failure of any applicant to receive such notice shall not prevent the levy, collection and enforcement of taxes on such applicant's property.

c. Proof of residency. (1) Requests. From time to time, the commissioner of finance may request proof of residency from the owner or tenant-stockholder receiving a rebate pursuant to this section.

(2) Timing. A request for proof of residency shall be mailed at least sixty days prior to the ensuing application deadline. The owner or tenant-stockholder shall submit proof of his, her or their residency in an application to the commissioner of finance on or before the application deadline.

d. Review of submission. The burden shall be on the applicant to establish that the property is his, her or their primary residence and that any other requirements to obtain the rebate are satisfied. If the applicant submits proof of residency on or before the application deadline, and the submission demonstrates to the commissioner of finance's satisfaction that the property is the primary residence of the applicant, and if the requirements of this section are otherwise satisfied, the rebate shall be paid. Otherwise, the commissioner of finance shall discontinue the rebate and, where appropriate, shall proceed as further provided herein.

e. Oath. The commissioner of finance shall have the authority to require that statements made in connection with any application filed

pursuant to this section be made under oath. Such application shall contain the following declaration: "I certify that all information contained in this application is true and correct to the best of my knowledge and belief. I understand that willful making of any false statement of material fact herein will subject me to the provisions of law relevant to the making and filing of false instruments and will render this application null and void." Such application shall also state that the applicant agrees to comply with and be subject to the rules promulgated from time to time by the commissioner of finance pursuant to this section.

5. Discontinuance of rebate. a. Generally. The commissioner of finance shall discontinue any rebate paid or granted pursuant to this section if it appears that: (1) the property may not be the primary residence of the owner or tenant-stockholder who received or applied for the rebate, (2) title to the property has been transferred to a new owner or tenant-stockholder, or (3) the property is otherwise no longer eligible for the rebate. For the purposes of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

b. Rights of owners and tenant-stockholders. Upon determining that a rebate paid or granted pursuant to this section should be discontinued, the commissioner of finance shall mail a notice so stating to the affected owner or tenant-stockholder at the time and in the manner to be provided in rules promulgated by the commissioner of finance. Such owner or tenant-stockholder shall be entitled to seek administrative and judicial review of such action in the manner provided by law, provided, that the burden shall be on the owner or tenant-stockholder to establish eligibility for the rebate.

6. Recovery of prior rebate. If the commissioner of finance determines that the owner or tenant-stockholder was (a) not entitled to a rebate

under this section, or (b) that a rebate was paid or calculated in error under this section, then the commissioner of finance shall recover or recalculate such rebate and the amount of the rebate or an amount equal to the difference between the rebate originally paid and the amount to which the owner or tenant-stockholder was entitled shall be deducted from any refund otherwise payable, and any balance of such amount remaining unpaid shall be paid to the commissioner of finance within thirty days from the date of mailing by the commissioner of finance of a notice of the amount payable. Such amount payable shall constitute a tax lien on the property as of the date of such notice and, if not paid within such thirty-day period, penalty and interest at the rate applicable to delinquent taxes on such property shall be charged and collected on such amount from the date of such notice to the day of payment, and such amount payable shall be enforceable as a tax lien in accordance with provisions of law relating to the enforcement of tax liens in any such city.

7. Penalty for material misstatements. a. Generally. If the commissioner of finance determines, within three years from the payment of a rebate pursuant to this section, that there was a material misstatement in an application filed pursuant to this section or in an application filed pursuant to section four hundred twenty-five of this title and that such misstatement provided the basis for the payment of a rebate under this section, the commissioner of finance shall proceed to impose a penalty tax against the property of one thousand dollars in addition to recovering the amount of any prior rebate under subdivision six of this section. An application shall be deemed to contain a material misstatement for this purpose when either:

(1) the applicant claimed the property was his, her or their primary residence, when it was not;

(2) the applicant claimed the property was eligible for a rebate pursuant to this section, when it was not; or

(3) the applicant claimed that the applicant owned the property, when the applicant did not.

b. Procedure. When the commissioner of finance determines that a penalty tax should be imposed, the penalty tax shall be entered on the

next ensuing tentative or final assessment roll. Each owner or tenant-stockholder shall be given notice of the possible imposition of a penalty tax, and shall be entitled to seek administrative and judicial review of such action in the manner provided by law.

c. Additional consequences. A penalty tax may be imposed pursuant to this subdivision whether or not the improper rebate has been revoked in the manner provided for by this section.

8. Rulemaking. The commissioner of finance shall be authorized to promulgate rules necessary to effectuate the purposes of this section.

9. Non-disclosure. The information contained in applications or statements in connection therewith filed with the commissioner of finance pursuant to subdivision four of this section shall not be subject to disclosure under article six of the public officers law.

§ 467-f. Protective and safety devices tax abatement. 1. Definitions. As used in this section:

a. "Eligible owner" means a person who does not reside in a residential unit and installed grab bars on the walls of shower and bathtub stalls and adjacent to each toilet or water closet in each residential unit upon a request by a senior citizen or disabled tenant residing therein or by a tenant residing therein with a senior citizen or disabled person.

b. "Senior citizen" means a person who is at least sixty years of age.

c. "Disabled person" means an individual who provides documentation indicating that he or she is recognized by any city, state or federal authority or agency as having a disability which impedes vision or mobility or who provides medical evidence indicating that he or she has a disability impeding vision or mobility which would benefit him or her from the installation of the grab bars.

d. "Multiple dwelling unit" means a building in which there is either rented, leased, let or hired out to be occupied, or is occupied as the residence or home of two or more occupants living independently of each other.

e. "Commissioner" means the commissioner of finance for the city of New York.

2. A city with a population of one million or more is hereby authorized and empowered to adopt a local law or ordinance providing for an abatement to an eligible owner against taxes imposed on real property containing a multiple dwelling unit as defined herein for fiscal years beginning on and after the first of July, two thousand seven by one of the following amounts for each installation of a grab bar:

(a) where purchase and installation requiring anchoring by screws or toggles where there is no removal of surface tiles or surrounding facade within the tub area, an amount not to exceed two hundred fifty dollars; or

(b) where purchase and installation requiring anchoring that entails the removal and replacement of surrounding surface tiles and or facade, an amount not to exceed four hundred dollars; or

(c) where purchase and installation requiring anchoring that entails the removal and replacement of surface lines and underlayment behind the removed tiles, an amount not to exceed eight hundred dollars.

3. The commissioner shall be authorized to promulgate rules necessary to effectuate the purposes of this section.

§ 467-g. Rebate for owners of certain real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve in a city having a population of one million or more. 1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, any city having a population of one million or more is hereby authorized and empowered to adopt and amend local laws in accordance with this section to grant a rebate of real property taxes for the fiscal year beginning on the first

of July, two thousand twelve, in the amount provided in this section. Such rebate shall be paid by the commissioner of finance to an owner who owned eligible real property as defined in subdivision three of this section or a unit in such eligible real property on the thirtieth of October, two thousand twelve. If legal title to eligible real property, or ownership of shares of stock representing a dwelling unit, is held by one or more trustees, the beneficial owner or owners shall be deemed to own the property or dwelling unit for purposes of this section. Notwithstanding any provision of this article to the contrary, an owner whose property is receiving benefits pursuant to any other section of this article shall not be prohibited from receiving a rebate pursuant to this section if such owner is otherwise eligible to receive such rebate.

2. Definitions. As used in this section:

a. "Annual tax" means the amount of real property tax that is imposed on a property for the fiscal year beginning on the first of July, two thousand twelve, determined after reduction for any amount from which the property is exempt, or which is abated, pursuant to applicable law.

b. "Assessed valuation" means the assessed valuation of real property that was used to determine the annual tax as defined in paragraph a of this subdivision, and which is not reduced by any exemption from real property taxes. For real property classified as class two or class four real property as defined in subdivision one of section eighteen hundred two of this chapter to which subdivision three of section eighteen hundred five of this chapter applies, the assessed valuation is the lower of the assessed valuation and transitional assessed valuation as provided in subdivision three of section eighteen hundred five of this chapter, and which is not reduced by any exemption from real property taxes.

c. "Commissioner of finance" means the commissioner of finance of a city having a population of one million or more, or his or her designee.

d. "Cooperative development" means, with respect to properties described in subparagraph (c) of paragraph class one of subdivision one

of section eighteen hundred two of this chapter, all of the properties, including the land and improvements thereon, as to which the land is held by a single cooperative corporation.

e. "Department of buildings" means the department of buildings of a city having a population of one million or more.

f. "Department of finance" means the department of finance of a city having a population of one million or more.

g. "Owner" means the owner of real property, or a tenant-stockholder of a unit in real property held in the cooperative form of ownership on the thirtieth of October, two thousand twelve.

3. Eligible real property. a. For purposes of this section, "eligible real property" means any tax lot that contained, on the applicable taxable status date, class one, class two or class four real property as such classes of real property are defined in subdivision one of section eighteen hundred two of this chapter, on which any building has been designated by the department of buildings in accordance with paragraph b of this subdivision.

b. For purposes of this section, a building has been designated by the department of buildings if:

(1) during the period beginning on the first of November, two thousand twelve and ending on the thirtieth of November, two thousand twelve, after inspection by the department, such building has been determined to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of damage caused by the effects of the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve, and such determination has been indicated by a notation on such department's records and/or by the posting of a red placard warning on the building; or

(2) during the period beginning on the first of November, two thousand twelve and ending on the thirtieth of November, two thousand twelve, after inspection by the department, such building has been determined to require repairs or to have a restricted area and such determination has

been indicated by a notation on such department's records and/or by the posting of a yellow sticker on the building, and during the period beginning on the first of December, two thousand twelve and ending on the twenty-eighth of December, two thousand twelve, after inspection by the department, such building has been determined to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of damage caused by the effects of the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve, and such determination has been indicated by a notation on such department's records and/or by the posting of a red placard warning on the building.

4. Amount of rebate. a. The amount of the rebate to be paid by the commissioner of finance for eligible real property pursuant to subdivision one of this section shall be equal to two-thirds of the annual tax, multiplied by a fraction, the numerator of which is equal to that portion of the assessed valuation of the eligible real property that is attributable to the improvements on the property, and the denominator of which is equal to the total assessed valuation of the eligible real property.

b. Except as provided in subdivision five of this section, for property held in the cooperative form of ownership, the amount of the rebate to be paid to the owner of a unit therein shall be equal to that proportion of the amount calculated under paragraph a of this subdivision that is attributable to such unit, as determined by the proportional relationship of the owner's share or shares of stock in the cooperative apartment corporation that owns such real property to the total outstanding stock of the cooperative apartment corporation.

c. Eligible real property with no annual tax shall not be eligible for a rebate under this section.

5. Calculation of rebate for certain class one real property consisting of one family house structures situated on land held in cooperative ownership.

a. Notwithstanding the provisions of subdivision four of this section,

the amount of the rebate to be paid by the commissioner of finance to the owner of a building that was designated by the department of buildings in accordance with paragraph b of subdivision three of this section, that is located on eligible real property that is described in subparagraph (c) of paragraph class one of subdivision one of section eighteen hundred two of this chapter, shall be equal to two-thirds of the annual tax on the property of the cooperative development, (1) multiplied by a fraction, the numerator of which is equal to that portion of the assessed valuation of the eligible real property in the cooperative development that is attributable to the improvements on the property, and the denominator of which is equal to the total assessed valuation of the eligible real property in the cooperative development, and (2) multiplied by a second fraction, the numerator of which is equal to the number of buildings in the cooperative development that have been designated by the department of buildings in accordance with paragraph b of subdivision three of this section, and the denominator of which is the total number of buildings that were located in the cooperative development as of the twenty-eighth day of October, two thousand twelve, then (3) divided by the number of buildings in the cooperative development that have been designated by the department of buildings in accordance with paragraph b of subdivision three of this section.

b. Eligible real property described in this subdivision with no annual tax shall not be eligible for a rebate under this section.

6. Mailing of rebate. a. The commissioner of finance shall mail the rebate authorized by this section to the person whose name appears on the records of the department of finance as the owner of the eligible real property or unit located therein on the thirtieth of October, two thousand twelve, at an address on the records of the department of finance as the address of such owner, and if no such address appears on the records of the department of finance, then to the address, if any, appearing in the latest assessment roll as the address of the owner of the eligible real property. Notwithstanding the previous sentence, if an owner has notified the United States postal service of a forwarding address for mail that would otherwise have been sent to any of the addresses described in the previous sentence, then the commissioner of

finance may mail the rebate authorized by this section to such forwarding address.

b. Notwithstanding paragraph a of this subdivision, with respect to any rebate to which an owner of a building that was designated by the department of buildings in accordance with paragraph b of subdivision three of this section that is located on eligible real property that is described in subparagraph (c) of paragraph class one of subdivision one of section eighteen hundred two of this chapter is entitled under this section, the commissioner of finance shall mail the rebate to the cooperative development of which the owner's property is a part, at the address on the records of the department of finance as the address of the cooperative corporation that is the owner of the land included in the cooperative development, and if no such address appears on the records of the department of finance, then to the address, if any, appearing in the latest assessment roll as the address of the owner of such land. Notwithstanding the previous sentence, if the cooperative corporation has notified the United States postal service of a forwarding address for mail that would otherwise have been sent to any of the addresses described in the previous sentence, then the commissioner of finance may mail the rebate authorized by this section to such forwarding address.

7. Recovery of erroneous rebate. If the commissioner of finance determines (a) that an owner who received a rebate was not entitled to a rebate under this section, or (b) that a rebate was paid or calculated in error under this section, the commissioner of finance shall recover or recalculate such rebate and the amount of the rebate or an amount equal to the difference between the rebate originally paid and the amount to which the owner was entitled shall be deducted from any refund or rebate otherwise payable to the owner, and any balance of such amount remaining unpaid shall be paid to the commissioner of finance no later than the due and payable date provided on a notice of the amount payable mailed by the commissioner of finance. Such amount payable shall constitute a tax lien on the real property owned by such owner as of the due and payable date provided on such notice, and, if not paid by such due and payable date, interest at the rate applicable to delinquent real

property taxes on such property shall be charged and collected on such amount from the due and payable date provided on such notice to the date of payment, and such amount payable shall be enforceable as a tax lien in accordance with provisions of law relating to the enforcement of tax liens in any such city.

8. Rebate not deemed a refund. Any rebate authorized by this section to be paid by the commissioner of finance shall not be deemed to be a refund of a real property tax payment.

9. Overpayment. If, in any proceeding brought pursuant to article seven of the real property tax law, the assessed valuation of eligible real property is reduced for the fiscal year beginning on the first of July, two thousand twelve, and such reduction results in a return of overpayment of real property taxes paid with respect to such fiscal year, the amount of such overpayment shall be reduced by the amount of any rebate paid pursuant to this section. If such overpayment is returned before a rebate is paid pursuant to this section, the amount of any rebate paid pursuant to this section shall be reduced by the amount of such overpayment.

10. Rulemaking. The commissioner of finance shall be authorized to promulgate rules necessary to effectuate the purposes of this section.

§ 467-h. Partial abatement for certain rebuilt real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve in a city having a population of one million or more. 1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, any city having a population of one million or more is hereby authorized and empowered to adopt and amend local laws in accordance with this section to grant a partial abatement of real property taxes for the fiscal year beginning on the first of July, two thousand fourteen, in the amount provided in this section to eligible real property as defined in subdivision three of this section on the first of July, two thousand fourteen. If legal title to eligible real property is held by one or more trustees, the

beneficial owner or owners shall be deemed to own the property for purposes of this section. Notwithstanding any provision of this article to the contrary, a property that is receiving benefits pursuant to any other section of this article shall not be prohibited from receiving a partial abatement pursuant to this section if such property is otherwise eligible to receive such abatement.

2. Definitions. As used in this section:

a. "Actual assessed valuation" means the assessed valuation of real property prior to the calculation of any transitional assessed valuation pursuant to subdivision three of section eighteen hundred five of this chapter, and which is not reduced by any exemption from real property taxes.

b. "Annual tax" means the amount of real property tax that is imposed on a property for a fiscal year, determined after reduction for any amount from which the property is exempt, or which is abated, pursuant to applicable law.

c. "Annual tax attributable to improvements" means the amount of real property tax that is imposed on a property for a fiscal year, determined after reduction for any amount from which the property is exempt, or which is abated, pursuant to applicable law, multiplied by a fraction, the numerator of which is equal to the assessed valuation of the property for such fiscal year that is attributable to the improvements on the property, and the denominator of which is the total assessed valuation of the property for such fiscal year.

d. "Assessed valuation" means the assessed valuation of real property that was used to determine the annual tax as defined in paragraph b of this subdivision, and which is not reduced by any exemption from real property taxes. For real property classified as class two or class four real property as defined in subdivision one of section eighteen hundred two of this chapter to which subdivision three of section eighteen hundred five of this chapter applies, unless otherwise provided, the assessed valuation is the lower of the actual assessed valuation as

defined in paragraph a of this subdivision and transitional assessed valuation as defined in paragraph j of this subdivision.

e. "Assessed valuation attributable to improvements" means that portion of the assessed valuation of real property that was used to determine the annual tax attributable to improvements as defined in paragraph c of this subdivision, and which is not reduced by any exemption from real property taxes.

f. "Commissioner of finance" means the commissioner of finance of a city having a population of one million or more, or his or her designee.

g. "Department of finance" means the department of finance of a city having a population of one million or more.

h. "Improvements" means buildings and other articles and structures, substructures and superstructures erected upon, under or above the land, or affixed thereto, including bridges and wharves and piers and the value of the right to collect wharfage, cranage or dockage thereon.

i. "Total square footage of the improvements on the property" means, with respect to a fiscal year, the square footage used by the department of finance in determining the assessed valuation attributable to improvements on the property for such fiscal year.

j. "Transitional assessed valuation" is the assessed valuation calculated pursuant to subdivision three of section eighteen hundred five of this chapter, and which is not reduced by any exemption from real property taxes.

3. Eligible real property. For purposes of this section, "eligible real property" means any tax lot that contained, on the applicable taxable status date, class one, class two or class four real property as such class of real property is defined in subdivision one of section eighteen hundred two of this chapter, as to which:

a. the department of finance reduced the assessed valuation

attributable to improvements on the property for the fiscal year beginning on the first of July, two thousand thirteen from the assessed valuation attributable to improvements on the property for the fiscal year beginning on the first of July, two thousand twelve as a result of damage caused by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve;

b. the department of finance increased the assessed valuation attributable to improvements on the property for the fiscal year beginning on the first of July, two thousand fourteen from the assessed valuation attributable to improvements on the property for the fiscal year beginning on the first of July, two thousand thirteen; and

c. the assessed valuation attributable to improvements on the property for the fiscal year beginning on the first of July, two thousand fourteen exceeds the assessed valuation attributable to improvements on the property for the fiscal year beginning on the first of July, two thousand twelve.

4. Amount of partial abatement. a. Except as provided in paragraph c of this subdivision, eligible real property shall receive a partial abatement of the real property taxes due on such property equal to the amount by which (1) the annual tax on the property for the fiscal year beginning on the first of July, two thousand fourteen exceeds (2) the annual tax on the property for the fiscal year beginning on the first of July, two thousand twelve.

b. Notwithstanding paragraph a of this subdivision and except as provided in paragraph c of this subdivision, the amount of the partial abatement of the real property taxes due on eligible real property classified as class two or class four real property as defined in subdivision one of section eighteen hundred two of this chapter to which subdivision three of section eighteen hundred five of this chapter applies shall be equal to the amount of (1) the increase in the actual assessed valuation attributable to an addition to or improvement of the property as provided in subdivision five of section eighteen hundred five of this chapter for the fiscal year beginning on the first of July,

two thousand fourteen, (2) reduced by the increase in the actual assessed valuation attributable to an addition to or improvement of the property as provided in subdivision five of section eighteen hundred five of this chapter for the fiscal year beginning on the first of July, two thousand fourteen, multiplied by a fraction, the numerator of which is the transitional assessed valuation for the fiscal year beginning on the first of July, two thousand thirteen, and the denominator of which is the actual assessed valuation for the fiscal year beginning on the first of July, two thousand thirteen, (3) multiplied by the real property tax rate that is applicable to the property for the fiscal year beginning on the first of July, two thousand fourteen. Eligible real property shall not be eligible for an abatement under this section if the fraction calculated in subparagraph two of this paragraph is equal to or greater than one.

c. In the event that the total square footage of the improvements on the property for the fiscal year beginning on the first of July, two thousand fourteen exceeds the total square footage of the improvements on the property for the fiscal year beginning on the first of July, two thousand twelve, the amount of the partial abatement shall be the amount computed by multiplying the amount calculated under paragraph a or b of this subdivision by a fraction, the numerator of which is equal to the amount of the total square footage of the improvements on the property for the fiscal year beginning on the first of July, two thousand twelve, and the denominator of which is equal to the amount of the total square footage of the improvements on the property for the fiscal year beginning on the first of July, two thousand fourteen.

d. For property held in the cooperative form of ownership, the abatement shall be credited to each unit therein in an amount equal to that proportion of the amount calculated under this subdivision that is attributable to such unit, as determined by the proportional relationship of the owner's share or shares of stock in the cooperative corporation that owns such real property to the total outstanding stock of the cooperative corporation.

e. Eligible real property shall not be eligible for an abatement under

this section if the amount of the abatement calculated pursuant to this subdivision exceeds the annual tax on the property for the fiscal year beginning on the first of July, two thousand fourteen.

5. Recovery of erroneous abatement.

a. For purposes of this section, an "erroneous abatement" means that:

(1) an abatement was granted to a property that was not entitled to an abatement under this section, or

(2) an abatement was applied or calculated in error under this section. In such event, the amount of the erroneous abatement shall be equal to the difference between the amount of the abatement originally received and the amount to which the property was entitled.

b. If the commissioner of finance determines that a property received an erroneous abatement, he or she shall recover such erroneous abatement by deducting the amount of the erroneous abatement from any refund or rebate otherwise payable to the owner, and any balance of the amount of the erroneous abatement remaining unpaid shall constitute a tax lien on the real property, as of the due and payable date provided on the next tax bill mailed by the commissioner of finance containing such amount. If such amount is not paid by such due and payable date, interest at the rate applicable to delinquent real property taxes on such property shall be charged and collected on such amount from the due and payable date provided on such notice to the date of payment. Such tax lien shall be enforceable in accordance with the provisions of law relating to the enforcement of tax liens in any such city.

6. Reduction of assessed value. If the taxable assessed value of a property for the fiscal year beginning on the first of July, two thousand fourteen is reduced after the assessment roll applicable to such fiscal year becomes final, any abatement already granted pursuant to this section shall be adjusted accordingly. The difference between the original abatement and the adjusted abatement shall be deducted from any credit otherwise due.

7. Rulemaking. The commissioner of finance shall be authorized to

promulgate rules necessary to effectuate the purposes of this section.

§ 467-i. Real property tax abatement. An eligible building shall receive an abatement of real property taxes as provided in this section and the rules promulgated hereunder.

1. The amount of such tax abatement shall be determined pursuant to regulations promulgated by the commissioner of the state department of taxation and finance. The value of such tax abatement shall be determined based upon a formula to be established by the commissioner of the state department of taxation and finance that shall reflect the value of the major capital improvement, the economic loss imposed upon a building owner as a result of changes to the amortization period authorized for major capital improvements pursuant to this title and such other factors as the commissioner may establish, including appropriate discount rates and time periods.

2. Such tax abatement shall commence on July first following the approval of an application for tax abatement by the department of finance on a form prescribed thereby providing the amount of the major capital improvement approved by the division and the amount of units in the eligible building.

3. Such abatement may not be carried over to any subsequent tax year and shall not reduce or be offset by any other tax benefit provided, approved or calculated by the city or the state.

4. "Eligible building" shall mean for the purposes of this section a class two building located in a city of a million or more which is subject to either the emergency housing rent control law or to the rent and rehabilitation law of the city of New York enacted pursuant to the emergency housing rent control law or to the emergency tenant protection act of nineteen seventy-four.

5. With respect to administration of the tax abatement program authorized in this section, no local agency shall consider or adopt any

eligibility criteria that are different than those promulgated by the state department of taxation and finance.

§ 467-j. Exemption for certain residential properties located in certain counties. 1. After a public hearing, the governing board of a county with a population greater than one hundred thousand and less than one hundred five thousand based upon the latest decennial census may adopt a local law to grant a partial exemption from taxation and special ad valorem levies authorized pursuant to this section. Following such adoption, any city, town or village within such a county may adopt a local law and a school district within such a county, other than a school district subject to article fifty-two of the education law, may adopt a resolution to also grant a partial exemption from taxation and special ad valorem levies authorized pursuant to this section.

2. The real property tax exemption authorized by subdivision one of this section shall be in an amount equal to the latest state equalization rate multiplied by the difference between the full resale value of such real property absent any restriction and the maximum resale value of such real property established by such ground lease to residential properties located on land owned by a not-for-profit entity and subject to regulatory restrictions from federal, state or local housing programs that provide grants or loans to enhance housing affordability and subject to a ground lease or deed restrictions that restrict the resale price of such real property for at least thirty years.

3. Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. Such application shall be filed annually with the assessor on or before the appropriate taxable status date.

*** § 467-k. Senior citizen longtime resident exemption.** 1. Establishment. Any city with a population greater than two hundred fifty thousand and less than three hundred thousand, as determined by

the latest decennial federal census, after conducting a public hearing, may adopt a local law to grant a senior citizen longtime resident exemption pursuant to this section. Once a city has enacted a local law adopting the provisions of this section, the county government in which such city is located may also enact a local law to provide an exemption in the same manner as such city.

2. Eligibility. a. No exemption shall be granted pursuant to this section unless:

(1) the property is a one-, two- or three-family residential property located within a United States census tract that has a median income not exceeding sixteen thousand fifty-six dollars according to the two thousand ten decennial census. A city adopting the provisions of this section may by local law further limit the exemption to specific areas within such city experiencing an increase in property values due to new development occurring therein, which put senior citizen longtime residents at risk of displacement;

(2) the property serves as the primary residence of one or more of the owners;

(3) all of the owners are at least sixty-five years of age or older, or in the case of property owned by husband and wife or by siblings, one of the owners is at least sixty-five years of age, as of the taxable status date. At the option of the city, which shall be specified in the local law adopting the provisions of this section, any person otherwise qualifying under this section shall not be denied the exemption under this section if he or she becomes sixty-five years of age after the appropriate taxable status date and on or before December thirty-first of the same year;

(4) one or more of the owners has owned and resided in the property for no fewer than twenty-five consecutive years; and

(5) the total household income does not exceed thirty thousand dollars for the latest preceding income tax year prior to the date of application for such exemption. The term "income" as used in this section shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions, reduced by distributions, to the extent

included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity; provided that if no such return was filed for the applicable income tax year, "income" shall mean the adjusted gross income that would have been so reported if such a return had been filed.

3. Calculation of exemption. a. Except as provided in paragraph b of this subdivision, a senior citizen longtime resident shall be exempt from taxation and special ad valorem levies for every year in which the property's current assessment exceeds the "base assessment." For the purposes of this section the "base assessment" shall be the assessment that appeared on the assessment roll immediately preceding the first year in which an exemption was granted pursuant to this section. The assessor shall annually calculate the exemption by subtracting the "base assessment" from the current year's assessment.

b. Notwithstanding the provisions of paragraph a of this subdivision, no exemption shall be allowed to the extent that the assessment increased due to one or more of the following events:

(1) a physical improvement made to the property;

(2) a removal or reduction of an exemption on the eligible taxpayer's primary residence, including a reduction of the STAR exempt amount calculated pursuant to subdivision two of section four hundred twenty-five of this title; or

(3) a revaluation that caused the assessment of the eligible taxpayer's primary residence to increase by a percentage that is less than or equal to the applicable change in level of assessment. As used in this section, the terms "revaluation" and "change in level of assessment" shall have the same meanings as set forth in sections one hundred two and twelve hundred twenty of this chapter, respectively.

4. Application for such exemption shall be made annually on a form prescribed by the commissioner. Such application shall be made to the city assessor on or before the taxable status date. No application for such exemption shall be granted unless the eligibility criteria of subdivision two of this section are met.

5. In the event that a property granted an exemption pursuant to this section transfers ownership or otherwise ceases to meet the eligibility requirements of the exemption in subdivision two of this section, the exemption granted pursuant to this section shall be discontinued. Upon determining that an exemption granted pursuant to this section should be discontinued, the assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by section five hundred ten of this chapter.

6. The city assessor shall, on or before December first, mail to each person who was granted an exemption pursuant to this section for the current city fiscal year, an application form for an exemption and a notice that such application must be filed no later than the taxable status date in order for the exemption to be granted or continued. Failure to mail any such application form or notice or the failure of such person or persons to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person or persons.

* NB There are 2 § 467-k's

*** § 467-k. Exemption for certain residential property required to participate in the federal flood insurance program.** 1. Any city with a population greater than one hundred thirty-five thousand and less than one hundred fifty-five thousand based on the latest federal decennial census, through its governing body, may grant an exemption as provided in this section to certain one, two, or three-family residential properties with a federally backed flood insurance policy through the national flood insurance program (NFIP).

2. Eligibility. For a one, two, or three-family residential property to qualify for such exemption the following conditions must be met:

(a) the property must be located in a special flood hazard area (SFHA) on the currently effective flood insurance rate map (FIRM) or flood hazard boundary map (FHBM) identified by the federal emergency management agency (FEMA);

(b) the property must be located in a neighborhood revitalization

strategy area as defined by the department of neighborhood and business development or other agency as designated in local law, or must be owner-occupied with a household income at or below an income threshold established pursuant to local law, provided that such threshold shall not exceed sixty-two thousand nine hundred eighty-five dollars;

(c) the property must be insured through a federally backed flood insurance policy that covers the duration of the tax year for which benefits are sought; and

(d) the property shall not have any delinquent city taxes as of the taxable status date applicable to the tax roll on which an exemption is applied, or as of such later date as specified by local law.

3. Exemption amount. An eligible one, two, or three-family residential property shall receive an exemption of city taxes in an amount of eighty-one thousand dollars provided that if as the result of a revaluation or update of assessments, and a material change in level of assessment, as provided in title two of article twelve of this chapter, is certified for the assessment roll pursuant to the rules of the commissioner, the assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by the change in level of assessment factor.

4. Application. Application for such exemption must be made annually by the owner or owners, on a form prescribed by the commissioner, and shall be filed in such assessor's office on or before the appropriate taxable status date. Such application shall require adequate proof that the property is insured by a NFIP flood insurance policy.

5. Determination of eligibility and notice thereof. If satisfied that the applicant is entitled to receive an exemption pursuant to this section, the assessor shall approve the application and such property shall be exempt from taxation as provided in this section on the assessment roll prepared on the basis of the taxable status date referred to in subdivision four of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

6. Within thirty days following the adoption of the provisions of this section, the assessor shall mail to the owners of one, two, or three-family residential property within the designated flood zone a description of the program, an application form, and a notice that such application must be filed on or before the taxable status date in order for the exemption to be granted. Upon the transfer of title of any one, two, or three-family residential property located within the designated flood zone the assessor shall mail to the owners of one, two, or three-family residential property within the designated flood zone as soon as practicable a description of the program, an application form and that such application must be filed on or before the taxable status date in order for the exemption to be granted.

* NB There are 2 § 467-k's

§ 467-l. Rebate for owners of certain real property in the city of New York. 1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, a city having a population of one million or more is hereby authorized and empowered to adopt and amend local laws in accordance with this section to grant a rebate of the annual tax of an eligible property, in the amount provided in this section, for the fiscal year beginning on the first of July, two thousand twenty-one and ending on the thirtieth of June, two thousand twenty-two to the owner of such eligible property, provided the qualified gross income of all the owners for whom such property serves as their primary residence was two hundred fifty thousand dollars or less in tax year two thousand twenty. Where the eligible property, other than an eligible property that is a dwelling unit in residential property held in the cooperative form of ownership, is in arrears in the payment of real property taxes, assessments, and any other charges that are made a lien subject to the provisions of chapter three of title eleven of the administrative code of the city of New York other than water rents, sewer rents and sewer surcharges, such rebate shall be applied to any such unpaid real property taxes, assessments, and other charges on the account of such eligible property. Where the eligible property is a dwelling unit in residential property held in the

cooperative form of ownership and such residential property is in arrears in the payment of real property taxes, assessments, and any other charges that are made a lien subject to the provisions of chapter three of title eleven of the administrative code of the city of New York other than water rents, sewer rents and sewer surcharges, such rebate shall be applied to any unpaid real property taxes, assessments, and other charges on the account of such residential property in an amount equal to the proportionate share of the arrears of the dwelling unit. Notwithstanding any provision of this article to the contrary, an owner whose property is receiving benefits pursuant to any other section of this article shall not be prohibited from receiving a rebate authorized pursuant to this section if such owner is otherwise eligible to receive such rebate.

2. Definitions. As used in this section the following terms shall have the following meanings:

a. "Annual tax" means the amount of real property tax that is imposed on a property for the fiscal year beginning on the first of July, two thousand twenty-one, determined after reduction for any amount for which such property is exempt, or which is abated, pursuant to applicable law, provided that, for a property that is a dwelling unit in residential property held in the cooperative form of ownership, "annual tax" means the amount of real property tax that is imposed on such residential property divided by the number of units within such residential property, including dwelling units and units used primarily for professional or commercial purposes, determined after reduction for any amount for which such property that is a dwelling unit is exempt, or which is abated, pursuant to applicable law.

b. "Applicant" means an owner of an eligible property who, pursuant to subdivision six of this section, may apply for the rebate authorized pursuant to this section.

c. "Commissioner of finance" means the commissioner of finance of a city having a population of one million or more, or such commissioner's designee.

d. "Eligible property" means a property that, beginning on or after June fifteenth, two thousand twenty-two, serves as the primary residence of the owner of such property, and served as such owner's primary residence during the ninety days prior to such date.

e. "Erroneous rebate" means:

(i) a rebate that was granted to an owner who was not entitled to a rebate under this section; or

(ii) a rebate that was granted or calculated in error under this section.

f. "Owner" means one or more natural persons who, beginning on or after June fifteenth, two thousand twenty-two, either:

(i) owns a property in fee simple absolute or as a tenant in common, a joint tenant or a tenant by the entirety;

(ii) is a tenant-stockholder of a cooperative apartment corporation who resides in a portion of real property owned by such cooperative apartment corporation, to the extent represented by their share or shares of stock in such corporation as determined by their proportional relationship to the total outstanding stock of such corporation, including such stock owned by such corporation; or

(iii) owns a present interest in a property under a life estate or who is a beneficial owner under a trust.

g. "Immediate family member" means an owner's spouse, domestic partner, sibling or child.

h. "Property" means a one, two, or three family residence or a dwelling unit in residential property held in the cooperative or condominium form of ownership. "Property" shall not include any vacant land.

i. "Proportionate share of the arrears of the dwelling unit" is the quotient of the amount of unpaid real property taxes, assessments, and other charges of a residential property held in the cooperative form of ownership divided by the number of units therein, including dwelling

units and units used primarily for professional or commercial purposes.

j. "Qualified gross income" means the adjusted gross income for the taxable year as reported for federal income tax purposes, or which would be reported as adjusted gross income if a federal income tax return were required to be filed. In computing qualified gross income, the net amount of loss reported on Federal Schedule C, D, E, or F shall not exceed three thousand dollars per schedule.

k. "Substantially higher" means no more than two hundred seventy-five thousand dollars.

3. Primary residence. Any local law adopted pursuant to this section shall establish a process by which an owner of a property shall demonstrate primary residence, provided that such local law shall not require such demonstration from an owner who receives a real property tax exemption pursuant to section four hundred twenty-five of this title or a school tax relief credit pursuant to subsection (eee) of section six hundred six of the tax law for such property for the fiscal year commencing on the first of July, two thousand twenty-two.

4. Amount of rebate. The amount of the rebate to be provided by the commissioner of finance shall be the lesser of one hundred fifty dollars or the annual tax imposed on the property.

5. Qualification for rebate for recipients of STAR credit or exemption. The owner of an eligible property who receives a real property tax exemption pursuant to section four hundred twenty-five of this title or a school tax relief credit pursuant to subsection (eee) of section six hundred six of the tax law for the fiscal year commencing on the first of July, two thousand twenty-two and satisfies the requirements described in subdivision one of this section shall not be required to file, and shall not file, an application for the rebate authorized pursuant to this section. To the extent the commissioner of finance determines that such an owner is not entitled to the rebate authorized pursuant to this section, the commissioner shall send to such owner a notice of denial of the rebate.

6. Qualification for rebate for owners of an eligible property who are not recipients of STAR credit or exemption. a. Generally. The owner of an eligible property who does not receive a real property tax exemption pursuant to section four hundred twenty-five of this title or a school tax relief credit pursuant to subsection (eee) of section six hundred six of the tax law for the fiscal year commencing on the first of July, two thousand twenty-two may file an application for the rebate authorized pursuant to this section, provided that, such owner satisfies the requirements described in subdivision one of this section, and provided, further, that for an eligible property that serves as the primary residence of more than one owner, all such owners shall jointly file an application for such rebate. Notwithstanding any provision of any general, special or local law to the contrary, an application for a rebate authorized pursuant to this section shall be filed by electronic means on or before the date or dates established in the local law adopted pursuant to this section. Upon a showing by an applicant that filing an application by electronic means is not practicable for reasons including but not limited to lack of access to, or ability to use, the technology needed to file by electronic means, the commissioner of finance may grant a waiver of the requirement to file such application by electronic means. No rebate shall be granted pursuant to this section unless the owner files such application within the time period or time periods prescribed by the local law adopted pursuant to this section. No more than one application shall be submitted for an eligible property.

b. Approval or denial of application. If the commissioner of finance determines that an applicant is entitled to the rebate authorized pursuant to this section, the commissioner shall approve such application, notify such applicant of such approval, and grant such rebate to such applicant. If the commissioner of finance determines that an applicant is not entitled to the rebate authorized pursuant to this section, the commissioner shall send to each such applicant a notice of denial of such application. Such notice of denial shall specify the reason for such denial and shall be sent in a manner to be provided in local laws or in rules promulgated by the commissioner of finance. Failure to send any such notice of denial or the failure of any

applicant to receive such notice shall not affect such denial and shall not prevent the levy, collection and enforcement of taxes on the property of such applicant.

c. Review of submission. The burden shall be on the applicant to establish that the property is the primary residence of such applicant, that the qualified gross income of all the owners for whom such property serves as their primary residence is two hundred fifty thousand dollars or less and that any other requirements relating to the granting of the rebate are satisfied.

d. Oath. The commissioner of finance shall have the authority to require that statements made in connection with any application filed pursuant to this section be made under oath. Such application shall contain the following declaration: "I certify that all information contained in this application is true and correct to the best of my knowledge and belief. I understand that willful making of any false statement of material fact herein will subject me to the provisions of law relevant to the making and filing of false instruments and will render this application null and void." Such application shall also state that the applicant agrees to comply with and be subject to any rules promulgated by the commissioner of finance pursuant to this section.

7. Denial and revocation of rebate. a. Generally. The commissioner of finance shall deny an application for a rebate or revoke any rebate authorized pursuant to this section if it appears that: (i) the property does not serve as the primary residence of the owner who has applied for such rebate or who received the real property tax exemption pursuant to section four hundred twenty-five of this title or a school tax relief credit pursuant to subsection (eee) of section six hundred six of the tax law for such property for the fiscal year commencing on the first of July, two thousand twenty-two, (ii) prior to the granting of the rebate authorized pursuant to this section, title to the property has been transferred to a new owner other than to an immediate family member for whom the property serves as the primary residence until, at a minimum, the date on which such rebate is granted, or (iii) the property is

otherwise no longer eligible for the rebate.

b. Rights of owners. Upon determining that a rebate authorized pursuant to this section shall be revoked, the commissioner of finance shall send a notice so stating to the affected owner at the time and in the manner to be provided in the local law adopted pursuant to this section. Granting a rebate authorized pursuant to this section, denying a rebate pursuant to subdivision five of this section, denying an application for a rebate pursuant to paragraph b of subdivision six of this section, or revoking a rebate granted pursuant to this section shall constitute a final determination of the commissioner of finance, unless, within ninety days, the owner seeks administrative review by the commissioner of finance of such determination, provided that the burden shall be on the owner to establish eligibility for the rebate. The failure to grant a rebate authorized pursuant to this section to an owner who is not required to submit an application pursuant to subdivision five of this section and who does not receive a notice of denial pursuant to such subdivision shall constitute a final determination by the commissioner of finance unless such owner seeks administrative review by such commissioner of such determination no later than the first of July, two thousand twenty-three.

8. Restriction on rebate for married couples with two or more residences. The rebate authorized by this section shall be granted on no more than one property owned by a married couple, unless such spouses are living apart due to legal separation.

9. Record of ownership of an eligible property. Any local law adopted pursuant to this section shall require that ownership of an eligible property be recorded with the city register, the Richmond county clerk, or the automated city register information system by the thirtieth of June, two thousand twenty-two.

10. Proof of residency and information regarding qualified gross income. In accordance with subdivisions one and three of this section, the commissioner of finance may request proof of residency and information relating to qualified gross income from any owner seeking to

receive a rebate authorized pursuant to this section.

11. Rebate returned for re-issuance. The commissioner of finance may provide a credit against the annual tax of an eligible property in the amount of the rebate when an owner of an eligible property requests that a check in the amount of the rebate be re-issued to such owner, except that no such credit shall be provided later than two years from the date the rebate is granted.

12. Recovery of erroneous rebate. a. If the commissioner of finance determines that an owner received an erroneous rebate, the commissioner of finance shall recover such erroneous rebate, within six years of the granting of such rebate, by deducting the amount of such erroneous rebate from any refund otherwise payable to the owner of such property, and any balance of the amount of such erroneous rebate remaining unpaid shall constitute a tax lien on the property of such owner as of the due and payable date provided on the tax bill mailed by the commissioner of finance containing such amount. If such amount is not paid by such due and payable date, interest at the rate applicable to delinquent real property taxes on such property shall be charged and collected on such amount from the due and payable date provided on such notice to the date of payment. Such tax lien shall be enforceable in accordance with the provisions of law relating to the enforcement of tax liens in any such city. No lien created pursuant to this section shall be enforced against a subsequent purchaser for value in good faith, provided that the purchase occurred prior to the date the amount of the erroneous rebate was entered on the statement of account for such property. Such authority shall supplement any other authority of the commissioner of finance to enforce payment of the erroneous rebate by the owner of such property.

b. To the extent a rebate was granted or calculated in error under this section, the amount of the erroneous rebate shall be equal to the difference between the amount of the rebate originally granted and the amount to which the owner was entitled.

13. Penalty for material misstatements. a. Generally. If the

commissioner of finance determines, within three years from the granting of a rebate authorized pursuant to this section, that there was a material misstatement in an application filed pursuant to this section and that such misstatement provided the basis for the granting of a rebate under this section, the commissioner of finance shall proceed to impose a penalty tax against the property of five hundred dollars in addition to recovering the amount of any erroneous rebate under subdivision twelve of this section. An application shall be deemed to contain a material misstatement for this purpose when either:

(1) the applicant claimed the property was his, her or their primary residence, when it was not;

(2) the applicant claimed that the applicant owned the property, when the applicant did not; or

(3) the applicant claimed that the qualified gross income of all the owners for whom such property serves as their primary residence was two hundred fifty thousand dollars or less, when the qualified gross income of such owners was a substantially higher amount.

b. Procedure. When the commissioner of finance determines that a penalty tax shall be imposed, the penalty tax shall be entered on the next ensuing tentative or final assessment roll. Each owner shall be given notice of the possible imposition of a penalty tax, and shall be entitled to seek administrative and judicial review of such action in the manner provided by law.

14. Non-disclosure. The information contained in applications filed with the commissioner of finance pursuant to subdivision six of this section shall not be subject to disclosure under article six of the public officers law.

§ 467-m. Exemption from local real property taxation of certain multiple dwellings in a city having a population of one million or more.

1. Definitions. For purposes of this section, the following terms shall have the following meanings:

a. "Affordable housing from commercial conversions tax incentive

benefits" hereinafter referred to as "AHCC program benefits", shall mean the exemption from real property taxation authorized pursuant to this section.

b. "Affordability requirement" shall mean that within any eligible multiple dwelling: (i) not less than twenty-five percent of the dwelling units are affordable housing units; (ii) not less than five percent of the dwelling units are affordable housing forty percent units; (iii) the weighted average of all income bands for all of the affordable housing units does not exceed eighty percent of the area median income, adjusted for family size; (iv) there are no more than three income bands for all of the affordable housing units; and (v) no income band for affordable housing units exceeds one hundred percent of the area median income, adjusted for family size.

c. "Affordable housing forty percent unit" shall mean a dwelling unit that: (i) is situated within the eligible multiple dwelling for which AHCC program benefits are granted; and (ii) upon initial rental and upon each subsequent rental following a vacancy during the restriction period, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed forty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

d. "Affordable housing unit" shall mean, collectively and individually: (i) an affordable housing forty percent unit; and (ii) any other unit that meets the affordability requirement upon initial rental and upon each subsequent rental following a vacancy during the restriction period, and is affordable to and restricted to occupancy by individuals or families whose household income does not exceed the income bands established in conjunction with such affordability requirement.

e. "Agency" shall mean the New York city department of housing preservation and development.

f. "Application" shall mean an application for AHCC program benefits.

g. "Building service employee" shall mean any person who is regularly employed at, and performs work in connection with the care or maintenance of, an eligible multiple dwelling, including, but not limited to, a watchman, guard, doorman, building cleaner, porter, handyman, janitor, gardener, groundskeeper, elevator operator and starter, and window cleaner, but not including persons regularly scheduled to work fewer than eight hours per week at such eligible multiple dwelling.

h. "Commencement date" shall mean, with respect to an eligible conversion, the date upon which a permit is issued by the local department of buildings for alterations that require the issuance of a new certificate of occupancy, provided that such alterations constitute an eligible conversion.

i. "Completion date" shall mean the date upon which the local department of buildings issues the first temporary or permanent certificate of occupancy covering all residential areas of an eligible multiple dwelling.

j. "Construction period" shall mean, with respect to any eligible multiple dwelling, a period: (i) beginning on the later of the commencement date or three years before the completion date; and (ii) ending on the day preceding the completion date.

k. "Dwelling" or "dwellings" shall have the same meaning as set forth in subdivision four of section four of the multiple dwelling law.

l. "Eligible conversion" shall mean the conversion of a non-residential building, except a hotel or other class B multiple dwelling, to an eligible multiple dwelling.

m. "Eligible multiple dwelling" shall mean a multiple dwelling which was subject to an eligible conversion in which: (i) all dwelling units included in any application are operated as rental housing; (ii) six or more dwelling units have been created through an eligible conversion;

(iii) the commencement date is after December thirty-first, two thousand twenty-two and on or before June thirtieth, two thousand thirty-one; and
(iv) the completion date is on or before December thirty-first, two thousand thirty-nine.

n. "Fiscal officer" shall mean the comptroller or other analogous officer in a city having a population of one million or more.

o. "Floor area" shall mean the horizontal areas of the several floors, or any portion thereof, of a dwelling or dwellings, and accessory structures on a lot measured from the exterior faces of exterior walls, or from the center line of party walls.

p. "Income band" shall mean a percentage of the area median income, adjusted for family size, that is a multiple of ten percent.

q. "Manhattan prime development area" shall mean any tax lot now existing or hereafter created which is located entirely south of 96th street in the borough of Manhattan.

r. "Market unit" shall mean a dwelling unit in an eligible multiple dwelling other than an affordable housing unit.

s. "Marketing band" shall mean maximum rent amounts ranging from twenty percent to thirty percent of the area median income or income band, respectively, that is applicable to a specific affordable housing unit.

t. "Multiple dwelling" shall have the same meaning as set forth in subdivision seven of section four of the multiple dwelling law.

u. "Non-residential building" shall mean a structure or portion of a structure, except a hotel or other class B multiple dwelling, having at least one floor, a roof and at least three walls enclosing all or most of the space used in connection with the structure or portion of the structure, which has a certificate of occupancy for commercial, manufacturing or other non-residential use for not less than ninety

percent of the aggregate floor area of such structure or portion of such structure, or other proof of such non-residential use as is acceptable to the agency.

v. "Non-residential tax lot" shall mean a tax lot that does not contain any dwelling units.

w. "Rent stabilization" shall mean, collectively, the rent stabilization law of nineteen hundred sixty-nine, the rent stabilization code, and the emergency tenant protection act of nineteen seventy-four, all as in effect as of the effective date of this section or as amended thereafter, together with any successor statutes or regulations addressing substantially the same subject matter.

x. "Residential tax lot" shall mean a tax lot that contains dwelling units.

y. "Restriction period" shall mean a period commencing on the completion date and extending in perpetuity, notwithstanding any earlier termination or revocation of AHCC program benefits.

z. "Thirty-five year benefit shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first thirty years of the restriction period; (A) within the Manhattan prime development area, a ninety percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a sixty-five percent exemption from real property taxation, other than assessments for local improvements; (iii) for the thirty-first year of the restriction period, (A) within the Manhattan prime development area, an eighty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; (iv) for the thirty-second year of the restriction period, (A) within the Manhattan prime development area, a seventy percent exemption from real property taxation, other than

assessments for local improvements; and (B) outside of the Manhattan prime development area, a forty percent exemption from real property taxation, other than assessments for local improvements; (v) for the thirty-third year of the restriction period, (A) within the Manhattan prime development area, a sixty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a thirty percent exemption from real property taxation, other than assessments for local improvements; (vi) for the thirty-fourth year of the restriction period; (A) within the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a twenty percent exemption from real property taxation, other than assessments for local improvements; and (vii) for the thirty-fifth year of the restriction period, (A) within the Manhattan prime development area, a forty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a ten percent exemption from real property taxation, other than assessments for local improvements.

aa. "Thirty year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first twenty-five years of the restriction period, (A) within the Manhattan prime development area, a ninety percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a sixty-five percent exemption from real property taxation, other than assessments for local improvements; (iii) for the twenty-sixth year of the restriction period, (A) within the Manhattan prime development area, an eighty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; (iv) for the twenty-seventh year of the restriction period, (A) within the Manhattan prime development area, a seventy percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime

development area, a forty percent exemption from real property taxation, other than assessments for local improvements; (v) for the twenty-eighth year of the restriction period, (A) within the Manhattan prime development area, a sixty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a thirty percent exemption from real property taxation, other than assessments for local improvements; (vi) for the twenty-ninth year of the restriction period, (A) within the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a twenty percent exemption from real property taxation, other than assessments for local improvements; and (vii) for the thirtieth year of the restriction period, (A) within the Manhattan prime development area, a forty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a ten percent exemption from real property taxation, other than assessments for local improvements.

bb. "Twenty-five year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first twenty years of the restriction period; (A) within the Manhattan prime development area, a ninety percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a sixty-five percent exemption from real property taxation, other than assessments for local improvements; (iii) for the twenty-first year of the restriction period, (A) within the Manhattan prime development area, an eighty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; (iv) for the twenty-second year of the restriction period, (A) within the Manhattan prime development area, a seventy percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a forty percent exemption from real property

taxation, other than assessments for local improvements; (v) for the twenty-third year of the restriction period, (A) within the Manhattan prime development area, a sixty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a thirty percent exemption from real property taxation, other than assessments for local improvements; (vi) for the twenty-fourth year of the restriction period, (A) within the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a twenty percent exemption from real property taxation, other than assessments for local improvements; and (vii) for the twenty-fifth year of the restriction period, (A) within the Manhattan prime development area, a forty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a ten percent exemption from real property taxation, other than assessments for local improvements.

2. Benefit. In cities having a population of one million or more, notwithstanding the provisions of any other general, special or local law to the contrary, a new eligible multiple dwelling, except a hotel, that complies with the provisions of this section shall be exempt from real property taxation, other than assessments for local improvements, in the amounts and for the periods specified in this section, provided that such eligible multiple dwelling is used or held out for use for dwelling purposes. An eligible multiple dwelling that has a commencement date on or before June thirtieth, two thousand twenty-six shall receive a thirty-five year benefit; an eligible multiple dwelling that has a commencement date on or before June thirtieth, two thousand twenty-eight shall receive a thirty year benefit; and an eligible multiple dwelling that has a commencement date on or before June thirtieth, two thousand thirty-one shall receive a twenty-five year benefit.

3. Tax payments. In addition to any other amounts payable pursuant to this section, the owner of any eligible multiple dwelling receiving AHCC program benefits shall pay, in each tax year in which such AHCC program benefits are in effect, all assessments for local improvements.

4. Limitation on benefits for non-residential space. If the aggregate floor area of commercial, community facility and accessory use space in an eligible multiple dwelling exceeds twelve percent of the aggregate floor area in such eligible multiple dwelling, any AHCC program benefits shall be reduced by a percentage equal to such excess. If an eligible multiple dwelling contains multiple tax lots, the tax arising out of such reduction in AHCC program benefits shall first be apportioned pro rata among any non-residential tax lots. After any such non-residential tax lots are fully taxable, the remainder of the tax arising out of such reduction in AHCC program benefits, if any, shall be apportioned pro rata among the remaining residential tax lots. For the purposes of this section, accessory use space shall not include home occupation space or accessory parking space located not more than twenty-three feet above the curb level.

5. Application of benefit. Based on the certification of the agency certifying eligibility for AHCC program benefits, the department of finance shall determine the amount of the exemption pursuant to subdivisions two and four of this section and shall apply the exemption to the assessed value of the eligible multiple dwelling.

6. Affordability requirements. An eligible multiple dwelling shall comply with the affordability requirement defined in paragraph b of subdivision one of this section during the restriction period. An eligible multiple dwelling shall also comply with the following requirements during the restriction period:

a. All affordable housing units in an eligible multiple dwelling shall share the same common entrances and common areas as rental market rate units in such eligible multiple dwelling and shall not be isolated to a specific floor or area of an eligible multiple dwelling. Common entrances shall mean any means of ingress or egress regularly used by any resident of a rental dwelling unit in the eligible multiple dwelling.

b. Unless preempted by the requirements of a federal, state or local

housing program, either: (i) the affordable housing units in an eligible multiple dwelling shall have a unit mix proportional to the rental market units; or (ii) at least fifty percent of the affordable housing units in an eligible multiple dwelling shall have two or more bedrooms and no more than twenty-five percent of the affordable housing units shall have less than one bedroom.

c. Notwithstanding any provision of rent stabilization to the contrary: (i) all affordable housing units shall remain fully subject to rent stabilization during the restriction period; and (ii) any affordable housing unit occupied by a tenant that has been approved by the agency prior to the agency's denial of an eligible multiple dwelling's application for AHCC program benefits shall remain subject to rent stabilization until such tenant vacates such affordable housing unit.

d. All rent stabilization registrations required to be filed shall contain a designation that specifically identifies affordable housing units created pursuant to this section as "AHCC program affordable housing units" and shall contain an explanation of the requirements that apply to all such affordable housing units.

e. Failure to comply with the provisions of this subdivision that require the creation, maintenance, rent stabilization compliance, and occupancy of affordable housing units shall result in revocation of AHCC program benefits.

f. Nothing in this section shall: (i) prohibit the occupancy of an affordable housing unit by individuals or families whose income at any time is less than the maximum percentage of the area median income or income band, as applicable, adjusted for family size, specified for such affordable housing unit pursuant to this section; or (ii) prohibit the owner of an eligible multiple dwelling from requiring, upon initial rental or upon any rental following a vacancy, the occupancy of any affordable housing unit by such lower income individuals or families.

g. Following issuance of a temporary certificate of occupancy and upon

each vacancy thereafter, an affordable housing unit shall promptly be offered for rental by individuals or families whose income does not exceed the maximum percentage of the area median income or income band, as applicable, adjusted for family size, specified for such affordable housing unit pursuant to this section and who intend to occupy such affordable housing unit as their primary residence. An affordable housing unit shall not be: (i) rented to a corporation, partnership or other entity; or (ii) held off the market for a period longer than is reasonably necessary to perform repairs needed to make such affordable housing unit available for occupancy.

h. An affordable housing unit shall not be rented on a temporary, transient or short-term basis. Every lease and renewal thereof for an affordable housing unit shall be for a term of one or two years, at the option of the tenant.

i. An affordable housing unit shall not be converted to cooperative or condominium ownership.

j. The agency may establish by rule such requirements as the agency deems necessary or appropriate for: (i) the marketing of affordable housing units, both upon initial occupancy and upon any vacancy; (ii) monitoring compliance with the provisions of this subdivision; (iii) the establishment of marketing bands for affordable housing units;

(iv) identifying the permit or permits required for the determination of the commencement date under this section; and

(v) specifying the legal instrument by which the marketing, affordability, rent stabilization, permitted rent, and any other requirement associated with this benefit will be recorded and enforced. Such requirements may include, but need not be limited to, retaining a monitor approved by the agency and paid for by the owner of the eligible multiple dwelling.

k. Notwithstanding any provision of this section to the contrary, a market unit shall not be subject to rent stabilization unless, in the absence of AHCC program benefits, the unit would be subject to rent stabilization.

7. Building service employees. a. For the purposes of this subdivision, (i) "applicant" shall mean an applicant for AHCC program benefits and/or any successor to such applicant; and (ii) "covered building service employer" shall mean any applicant and/or any employer of building service employees for such applicant including, but not limited to, a property management company or contractor.

b. All building service employees employed by the covered building service employer at the eligible multiple dwelling shall receive the applicable prevailing wage for the duration of the benefit period, regardless of whether such benefits provided pursuant to this section are revoked or terminated.

c. The fiscal officer shall have the power to enforce the provisions of this subdivision. In enforcing such provisions, the fiscal officer shall have the power: (i) to investigate or cause an investigation to be made to determine the prevailing wages for building service employees, and in making such investigation, the fiscal officer may utilize wage and fringe benefit data from various sources, including, but not limited to, data and determinations of federal, state or other governmental agencies; provided, however, that the provision of a dwelling unit shall not be considered wages or a fringe benefit; (ii) to institute and conduct inspections at the site of the work or elsewhere; (iii) to examine the books, documents and records pertaining to the wages paid to, and the hours of work performed by, building service employees; (iv) to hold hearings and, in connection therewith, to issue subpoenas, the enforcement of which shall be regulated by the civil practice law and rules, administer oaths and examine witnesses; (v) to make a classification by craft, trade or other generally recognized occupational category of the building service employees and to determine whether such work has been performed by the building service employees in such classification; (vi) to require the applicant to file with the fiscal officer a record of the wages actually paid to the building service employees and of their hours of work; (vii) to delegate any of the foregoing powers to his or her deputy or other authorized representative; (viii) to promulgate rules as he or she shall consider

necessary for the proper execution of the duties, responsibilities and powers conferred upon him or her by the provisions of this subdivision; and (ix) to prescribe appropriate sanctions for failure to comply with the provisions of this subdivision. For each violation of paragraph b of this subdivision, the fiscal officer may require the payment of (A) back wages and fringe benefits; (B) liquidated damages up to three times the amount of the back wages and fringe benefits for willful violations; and/or (C) reasonable attorneys' fees. If the fiscal officer finds that the applicant has failed to comply with the provisions of this subdivision, he or she shall present evidence of such non-compliance to the agency.

d. Paragraph b of this subdivision shall not be applicable to: (i) an eligible multiple dwelling containing less than thirty dwelling units; or (ii) an eligible multiple dwelling whose eligible conversion is carried out with the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.

e. The applicant shall submit a sworn affidavit with its application certifying that it shall ensure compliance with the requirements of this subdivision or is exempt in accordance with paragraph d of this subdivision. Upon the agency's approval of such application, the applicant who is not exempt in accordance with paragraph d of this subdivision shall submit annually a sworn affidavit to the fiscal officer certifying that it shall ensure compliance with the requirements of this subdivision.

f. The agency shall annually publish a list of all eligible sites subject to the requirements of this subdivision and the affidavits required pursuant to paragraph e of this subdivision.

g. If a covered building service employer has committed three violations of the requirements of paragraph (b) of this subdivision with respect to the same eligible multiple dwelling within a five-year period, the agency may revoke any benefits associated with such eligible

multiple dwelling under this section. For purposes of this paragraph, a "violation" of paragraph (b) of this subdivision shall be deemed a finding by the fiscal officer that a covered building service employer has failed to comply with paragraph (b) of this subdivision and has failed to cure the deficiency within three months of such finding. Provided, however, that after a second such violation, the applicant shall be notified that any further violation may result in the revocation of benefits under this section and that the fiscal officer shall publish on its website a list of all applicants with two violations as defined in this paragraph. If benefits are terminated or revoked for failure to comply with this subdivision all of the affordable housing units shall remain subject to rent stabilization and all other requirements of this section for the duration of the restriction period, regardless of whether such benefits have been terminated or revoked.

8. Concurrent exemptions or abatements. An eligible multiple dwelling receiving AHCC program benefits shall not receive any exemption from or abatement of real property taxation under any other law.

9. Voluntary renunciation or termination. Notwithstanding the provisions of any general, special or local law to the contrary, an owner shall not be entitled to voluntarily renounce or terminate AHCC program benefits unless the agency authorizes such renunciation or termination in connection with the commencement of a tax exemption pursuant to the private housing finance law or section four hundred twenty-c of this title.

10. Termination or revocation. The agency may terminate or revoke AHCC program benefits for failure to comply with this section. All of the affordable housing units shall remain subject to rent stabilization and all other requirements of this section for the duration of the restriction period, regardless of whether such benefits have been terminated or revoked.

11. Powers cumulative. The enforcement provisions of this section shall not be exclusive, and are in addition to any other rights,

remedies or enforcement powers set forth in any other law or available at law or in equity.

12. Multiple tax lots. If an eligible multiple dwelling contains multiple tax lots, an application may be submitted with respect to one or more of such tax lots. The agency shall determine eligibility for AHCC program benefits based upon the tax lots included in such application and benefits for each such eligible multiple dwelling shall be based upon the completion date of each such multiple dwelling.

13. Applications. a. The application with respect to any eligible multiple dwelling shall be filed with the agency no earlier than the completion date and not later than one year after the completion date of such eligible multiple dwelling.

b. Notwithstanding the provisions of any general, special, or local law to the contrary, the agency may require by rule that applications be filed electronically.

c. The agency may rely on certification by an architect or engineer submitted by an applicant in connection with the filing of an application. A false certification by such architect or engineer shall be deemed to be professional misconduct pursuant to section sixty-five hundred nine of the education law. Any architect or engineer found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten of the education law shall be subject to the penalties prescribed in section sixty-five hundred eleven of the education law and shall thereafter be ineligible to submit a certification pursuant to this section.

d. Such application shall also certify that all taxes, water charges, and sewer rents currently due and owing on the property which is the subject of the application have been paid or are currently being paid in timely installments pursuant to a written agreement with the department of finance or other appropriate agency.

14. Filing fee. The agency may require a filing fee of no less than

three thousand dollars per dwelling unit in connection with any application, except that the agency may promulgate rules:

a. imposing a lesser fee for an eligible multiple dwelling whose eligible conversion is carried out with the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing; and

b. requiring a portion of the filing fee to be paid upon the submission of the information the agency requires in advance of approving the commencement of the marketing process for such eligible conversion.

15. Multiple residence. A non-residential building undergoing an eligible conversion shall be considered a multiple residence during the construction period.

16. Rules. Except as provided in subdivision seven of this section, the agency shall have the sole authority to enforce the provisions of this section and may promulgate rules to carry out the provisions of this section.

17. Penalties for violations of affordability requirements. a. On or after the expiration date of the benefit provided pursuant to this section, the agency may impose, after notice and an opportunity to be heard, a penalty for any violation by an eligible multiple dwelling of the affordability requirements of subdivision six of this section.

b. A penalty imposed under this subdivision shall be computed as a percentage of the capitalized value of all AHCC program benefits on the eligible multiple dwelling, calculated as of the first year that benefits were granted, not to exceed one thousand percent. The agency shall establish a schedule and method of calculation of such penalties pursuant to subdivision sixteen of this section.

c. A penalty imposed under this subdivision shall be imposed against

the owner of the eligible multiple dwelling at the time the violation occurred, even if such owner no longer owns such eligible multiple dwelling at the time of the agency's determination.

d. A person or entity who fails to pay a penalty imposed pursuant to this subdivision shall be guilty of a misdemeanor punishable by imprisonment not to exceed six months.

§ 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.

§ 468. Fire patrol and salvage corps. Real property owned by a corporation organized to maintain a fire patrol and salvage corps for the public benefit, which property is used exclusively for housing or storing property used exclusively for the purpose of such fire patrol and salvage corps, shall be exempt from taxation, provided such property is used and such service rendered indiscriminately and without charge for the public benefit; provided, however, that if a portion only of the real property of such a corporation is so used, such portion shall be exempt from taxation and the remaining portion shall be subject to taxation.

§ 469. Assessment exemption for living quarters for parent or grandparent. 1. A county, city, town, village or school district acting through its local legislative body is hereby authorized and empowered to adopt and amend local laws, or resolutions in the case of school districts, to provide for an exemption from taxation to the extent of any increase in assessed value of residential property resulting from the construction or reconstruction of such property for the purpose of providing living quarters for a parent or grandparent, who is sixty-two years of age or older. Such exemption shall not exceed (a) the increase in assessed value resulting from construction or reconstruction of such property, or (b) twenty percent of the total assessed value of such property as improved, or (c) twenty percent of the median sale price of residential property as reported in the most recent sales statistical summary published by the commissioner for the county in which the property is located, whichever is less.

2. No such exemption shall be granted unless:

(a) The property is within the geographical area in which such construction or reconstruction is permitted; and

(b) The residential property so constructed or reconstructed is the principal place of residence of the owner.

3. Such exemption shall be applicable only to construction or reconstruction which occurred subsequent to the effective date of this section and shall only apply during taxable years during which at least one such parent or grandparent maintains a primary place of residence in such living quarters.

4. Such exemption from taxation shall be granted upon an application made annually, upon a form to be promulgated by the commissioner, by the owner of such property to the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village or county. If the assessor is satisfied that the property is entitled to an exemption pursuant to this section, he shall approve the application and such residential improvements shall be exempt from taxation and special ad valorem levies as provided in this section.

5. For the purposes of this section, the term "parent or grandparent" shall be deemed to include the birth or adoptive grandparents and parents of the owner or the spouse of the owner.

6. Any conviction of having made any willful false statement in the application for such exemption shall result in the revocation thereof, be punishable by a civil penalty of not more than one hundred dollars and shall disqualify the applicant or applicants from further exemption for a period of five years.

§ 470. Exemption for improvements to real property meeting certification standards for green buildings. 1. Construction of improvements to real property initiated on or after the first day of January, two thousand thirteen, meeting certification standards for green buildings as provided in this section, including LEED, the green building initiative's green globes rating system, the national green building standards as approved by the American National Standards Institute, or substantially equivalent standards for certification using a similar program for green buildings as determined by the municipal corporation, shall be exempt from taxation by any municipal corporation in which such property is located to the extent provided in this section, provided the governing board of such municipal corporation, after conducting a public hearing, adopts a local law, ordinance or resolution providing therefor.

2. Such real property, or portion thereof, which is certified under a LEED, green globes rating system, national green building standards or similar program using a certification standard which is equivalent to the categories of certified, silver, gold or platinum as meeting green building standards, as determined by an accredited professional shall be exempt as provided below for the respective percentages provided that a municipal corporation may establish a maximum exemption amount in its local law, ordinance or resolution, and provided further, a copy of the certification for a qualified category is filed with the assessor's office and is approved by the assessor as meeting the requirements of

this section and the municipal corporation's local law, ordinance or resolution. Such exemption shall be to the extent of any increase in assessed value resulting from the construction or reconstruction of a property meeting LEED, green globes rating system, national green building standards or similar program certification.

LEED EXEMPTION

YEAR	CERTIFIED/SILVER	GOLD	PLATINUM
1	100%	100%	100%
2	100%	100%	100%
3	100%	100%	100%
4	80%	100%	100%
5	60%	80%	100%
6	40%	60%	100%
7	20%	40%	80%
8	0%	20%	60%
9	0%	0%	40%
10	0%	0%	20%

3. No such exemption shall be granted unless: (a) such construction of improvements was commenced on or after the first day of January, two thousand thirteen, or such later date as may be specified by local law; (b) the value of such construction exceeds the sum of ten thousand dollars; and (c) such construction is documented by a building permit, if required, for the improvements, or other appropriate documentation as required by the assessor. For purposes of this section the term "construction of improvements" shall not include ordinary maintenance and repairs.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation by the municipal corporation as provided in this section commencing with the assessment roll prepared after the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

§ 471. Surviving spouses of police officers killed in the line of duty. 1. After the local legislative body of a county, city, town, or village passes a local law, or a school district passes a resolution, notwithstanding any other provision of law, real property owned by a surviving spouse of a police officer killed in the line of duty, and constituting the primary residence of such surviving spouse shall be exempt from taxation to the extent of fifty per centum of the assessed valuation thereof. Within such local law or resolution, the local legislative body or school district may reduce the percentage of exemption authorized pursuant to this section.

2. As used in this section, the term "police officer" shall have the same meaning as defined in section 1.20 of the criminal procedure law.

3. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to subdivision one of this section, were such person or persons the owner or owners of such real property.

4. (a) For the purposes of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by their share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(b) Provided that all other eligibility criteria of this section are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited

by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

(c) Notwithstanding paragraph (b) of this subdivision, a tenant-stockholder who resides in a dwelling that is subject to the provisions of either article two, four, five or eleven of the private housing finance law shall not be eligible for an exemption pursuant to this section.

(d) Notwithstanding paragraph (b) of this subdivision, real property owned by a cooperative apartment corporation may be exempt from taxation pursuant to this section by a municipality in which such real property is located only if the governing body of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor.

5. The commissioner shall develop, in consultation with the commissioner of the division of criminal justice services, a listing of documents to be used to establish eligibility under this section. Such information shall be made available to each city, village, town, part town, special district and county assessor's office. The listing of acceptable records shall be made available on the internet websites of the division of criminal justice services and the office of real property tax services.

6. Application for such exemption shall be filed with the assessor on or before the taxable status date on a form prescribed by the commissioner.

§ 472. Pharmaceutical societies. 1. Real property from which no rent is derived situated within a city having a population of one hundred seventy-five thousand or more according to the latest federal census and owned by an incorporated pharmaceutical society which is either wholly or partly within such city, which society has heretofore been or may hereafter be authorized and empowered by act of the legislature to establish and which has established or may hereafter establish, a

college of pharmacy in such city shall be exempt from taxation, provided that such property is used exclusively for the purposes of such college, and provided further that such property shall be taxable by any municipal corporation within which it is located if the governing board of such municipal corporation, after public hearing, adopts a local law, ordinance or resolution so providing. Any such local law, ordinance or resolution may be amended or repealed. The provisions of subdivision six of section four hundred twenty-b of this article shall apply to any such real property.

2. If any provision of this section or the application thereof to any person or circumstances is held unconstitutional, the remainder of this section and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 474. Dental societies. Real property from which no income is derived situated within a city having a population of one hundred seventy-five thousand or more according to the latest federal census and owned by a dental society of any judicial district, which judicial district is wholly or partly within such city shall be exempt from taxation, provided such property is used exclusively for the purposes of such a dental society, and further provided that such exemption of real property for any society in the first, second, tenth or eleventh judicial districts shall not exceed one hundred thousand dollars, and in any other judicial district affected thereby shall not exceed fifty thousand dollars; and provided further that such property shall be taxable by any municipal corporation within which it is located if the governing board of such municipal corporation, after public hearing, adopts a local law, ordinance or resolution so providing. Any such local law, ordinance or resolution may be amended or repealed. The provisions of subdivision six of section four hundred twenty-b of this article shall apply to any such real property. As used in this section dental society shall mean exclusively any dental society which was incorporated under the provisions of chapter one hundred fifty-two of the laws of eighteen hundred sixty-eight and was continued by the education law, and by chapters two hundred ninety-four of the laws of

nineteen hundred six, six hundred seventeen of the laws of nineteen hundred forty-four, and six hundred ninety-two of the laws of nineteen hundred sixty-two.

§ 476-a. Railroad passenger stations. Each railroad passenger station in a city having a population of more than one million, including the railroad passenger terminal facilities used in connection with such passenger station, and the railroad roadway approaches to such station (including land, tracks, signals, bridges, tunnels and other roadway structures and facilities) situated within five miles of the mid-point of such passenger station as located on March first, nineteen hundred sixty-five, at which not less than seventy-five percent of the passenger trains using such station utilized by the railroad or railroads using such station originate and terminate at such station, shall be exempt from taxation, provided that no portion of such station, terminal facilities, or approaches is regularly used in freight service. The exemptions provided by the preceding sentence shall not apply to any railroad for which the commissioner has, pursuant to the provisions of section four hundred eighty-nine-i of this chapter, determined an earnings ratio in excess of two and one-half percent.

§ 477. Tax exemption for industrial waste treatment facilities. 1. Industrial waste treatment facilities which were constructed or reconstructed in order to comply with the provisions of the environmental conservation law and codes, rules, regulations, permits or orders issued pursuant thereto shall be exempt from taxation to the extent of any increase in value thereof by reason of such construction or reconstruction.

2. Such industrial waste treatment facilities shall not be entitled to any exemption from taxation unless such facilities have been certified by the state commissioner of environmental conservation or his or her designated representative, pursuant to section 17-0705 of the environmental conservation law, as complying with applicable provisions of the environmental conservation law, public health law, the state

sanitary code and regulations, permits or orders issued by such commissioner pursuant to law.

3. Such exemption shall be applicable only to industrial waste treatment facilities which were constructed or reconstructed subsequent to May twelfth, nineteen hundred sixty-five.

4. Such exemption from taxation shall be granted only upon an application made by the owner of such property on a form prescribed by the commissioner and shall contain such information as the commissioner shall require. Such application shall be filed with the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village or county. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such industrial waste treatment facilities shall be exempt from taxation and special ad valorem levies as herein provided.

5. Such exemption from taxation shall be effective as of the first taxable status date occurring subsequent to the approval of the application for exemption by the assessor of the appropriate city, town, village, or county.

6. The assessed value of any exemption granted pursuant to the authority of this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

7. The term "industrial waste treatment facilities" shall mean facilities for the treatment, neutralization or stabilization of industrial waste (as the term "industrial waste" is defined in section 17-0105 of the environmental conservation law) from a point immediately preceding the point of such treatment, neutralization or stabilization to the point of disposal, including the necessary pumping and transmitting facilities, but excluding such facilities installed for the primary purpose of salvaging materials which are usable in the

manufacturing process or are marketable.

§ 477-a. Tax exemption for air pollution control facilities. 1. Air pollution control facilities which were constructed or reconstructed in order to comply with the provisions of the environmental conservation law and codes, rules, regulations, permits or orders issued pursuant thereto shall be exempt from taxation and special ad valorem levies to the extent of any increase in value thereof by reason of such construction or reconstruction.

2. Such air pollution control facilities shall not be entitled to any exemption from taxation unless such facilities have been certified by the commissioner of environmental conservation or his designated representative, pursuant to section 19-0307 of the environmental conservation law, as complying with applicable provisions of the environmental conservation law and codes, rules, regulations, permits or orders issued pursuant thereto.

3. Such exemption shall be applicable only to air pollution control facilities which were constructed or reconstructed subsequent to September one, nineteen hundred seventy-four and such exemption from taxation shall be effective as of the first taxable status date occurring subsequent to the approval of the application for exemption by the assessor of the appropriate city, town, village or county, providing, however, that nothing herein shall affect the validity or application of any local law adopted by a county, city, town or village or a resolution of a school district granting an exemption pursuant to the provisions of chapter nine hundred two of the laws of nineteen hundred sixty-six.

4. Such exemption from taxation shall be granted only upon an application made by the owner of such facility on a form prescribed by the commissioner. The applicant shall furnish such information as the commissioner shall require. Such application shall be filed with the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date

of such city, town, village or county.

5. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he shall approve the application and such air pollution control facilities shall forthwith be exempt from taxation and special ad valorem levies as herein provided.

6. The assessed value of any exemption granted pursuant to the authority granted by this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

7. The term "air pollution control facilities" shall mean facilities which remove, reduce, or render less noxious air contaminants emitted from air contamination sources (as the terms "air contaminant" and "air contamination source" are defined in section 19-0107 of the environmental conservation law) from a point immediately preceding the point of such removal, reduction, or rendering to the point of discharge of air, meeting emission standards as established by the department of environmental conservation, but excluding such facilities installed for the primary purpose of salvaging materials which are usable in the manufacturing process or are marketable and excluding those facilities which rely for their efficacy on dilution, dispersion or assimilation of air contaminants in the ambient air after emission. Such term shall further include flue gas desulfurization equipment and attendant sludge disposal facilities, fluidized bed boilers, precombustion coal cleaning facilities or other facilities that conform with this subdivision and which comply with the provisions of the state acid deposition control act set forth in title nine of article nineteen of the environmental conservation law.

§ 478. Tax exemption for off-street parking facilities providing underground shelters. A city or a village may by local law, duly enacted, provide that any building, whether constructed underground or above ground, which is constructed for the purpose of providing automobile parking, or any existing building, not presently used for

off-street automobile parking, which is altered, remodeled or reconstructed for such purpose, and which provides underground shelter complying with the provisions of the New York state defense emergency act and the plan, regulations and orders of the state civil defense commission promulgated thereunder shall be exempt from taxation for a period of not to exceed twenty-five years after the taxable status date immediately following completion of such construction, alteration, remodeling or reconstruction; provided, however, that no such building shall be exempt from taxation as herein provided unless (a) such building has a minimum parking capacity of: in the city of New York, two hundred fifty cars; in Buffalo, Rochester, Syracuse, Utica, Albany and Yonkers, one hundred fifty cars; and in other cities or villages of the state, seventy-five cars and (b) at least seventy-five per centum of the total floor area of the building is used exclusively for providing off-street parking for automobiles. The exemption shall apply only to that portion of the building used for such purpose including an office and waiting room and shall not include the land upon which or under which such building stands.

No provision of this section shall be construed or interpreted as affecting the validity of any ordinance enacted prior to July first, nineteen hundred sixty-six, or actions taken thereunder by the government of any county, city, town or village.

§ 479. Fallout shelter facilities. 1. Any real property constructed, altered or improved as or to include a fallout shelter facility complying with the provisions of the New York state defense emergency act and the plan, regulations and orders of the state civil defense commission promulgated thereunder shall be exempt from taxation and from special ad valorem levies and special assessments to the extent that the increase in the value of the real property is attributable to the fallout shelter facility, within the limits provided by subdivision two hereof.

2. No exemption from taxation, special ad valorem levy or special assessments shall be allowed in an amount greater than one hundred

dollars multiplied by the number of occupants which such fallout shelter facility is designed to accommodate in accordance with such plan, regulations and orders of the state civil defense commission.

§ 480. Forest and reforested lands. 1. In view of the benefits to the state and the municipal corporations therein which will accrue through the reforestation of idle lands, eligible tracts of forest land may be granted an exemption from taxation as hereinafter provided.

2. As used in this section:

(a) "Eligible tract" means a tract of forest land of at least fifteen acres which has been planted with an average of not less than eight hundred trees per acre, or which has been underplanted with an average of not less than three hundred trees per acre, or upon which the majority of the mature timber has been removed in such a manner as to insure a crop of merchantable timber or pulpwood or upon which, at the time of classification, there is an immature stand sufficient to produce such a crop within thirty years. Any part of such tract covered by water, or consisting of a bog or ledge, or otherwise unsuitable for planting or underplanting, shall be excluded in determining the average number of trees planted or underplanted per acre.

(b) "Forest land" includes not only lands on which there is tree growth, but also lands which are best adapted to tree growth.

(c) "Planted" means the setting of suitable forest tree species.

(d) "Underplanted" means the setting of suitable forest tree species upon land that at the time of planting has some natural forest growth.

(e) "Immature stand" means trees which are left primarily for forest crop production after the removal of a majority of the mature stand.

3. (a) Eligible tracts shall be separately assessed for purposes of taxation upon the basis of the value of the land, including the value of any buildings or structures thereon, but excluding the value of such planted or underplanted trees or natural reproduction. The assessment of an eligible tract shall be no higher than the valuation of similar lands without substantial forest growth situated in the same town and at no time shall it exceed the valuation fixed at the time the application for

classification is filed as hereinafter provided, except that such assessment may be increased or decreased without regard to the provisions of this subdivision to reflect a change in level of assessment on the assessment roll of the assessing unit, as provided in title two of article twelve of this chapter.

(b) The commissioner shall certify a change in level of assessment factor subject to the provisions of title two of article twelve of this chapter.

(c) Such land shall be so assessed so long as the forest growth shall remain uncut. Upon the removal of the forest growth, it shall be assessed without regard to the provisions of this section.

4. The owner of an eligible tract may file with the assessors of the town in which such tract is located a verified application for classification under this section. Application shall be made in duplicate on forms furnished by the conservation department, which shall contain a description of the land sufficient to identify the tract and the necessary information as to the planting or underplanting or natural reproduction. Upon the filing of such application, the assessors shall send a copy thereof to the conservation department for its approval or disapproval. If the conservation department approves the application, it shall file certificates of approval, classifying such tract as forested or reforested land, with the assessors and with the county clerk of the county in which the tract is situated. The county clerk shall record such certificates in the book of miscellaneous records. All tracts so classified shall be subject to the provisions of this section and the obligations thereof shall devolve upon and the benefits thereof inure to the owner, his successors or assigns. The state and its political subdivisions shall also be bound thereby.

5. Whenever any cutting of the forest growth on any such tract of forest land is proposed, the owner shall give not less than thirty days' notice to the assessors and shall pay as a tax to the supervisor of the town in which such land is situated, six per centum of the stumpage value of the timber when cut, which shall be assessed by the assessors within such thirty-day period. Except as otherwise provided herein, such assessment and tax shall be treated in all respects the same as an

assessment and tax on the land and such tax shall be paid before the removal of such timber from the premises so classified. Such tax shall be a lien upon the cut timber and upon the lands so classified until paid and may be enforced by an action in the name of the town in any court of competent jurisdiction. It shall be a misdemeanor for any person to remove the timber from such premises before the tax is paid. Notwithstanding the foregoing provisions of this subdivision, the owner of any land so classified may annually cut for his own use, free of tax, wood or timber from such land to a stumpage value not in excess of twenty-five dollars and may also, with the approval of the conservation department, make thinnings for the improvement of the forest growth.

6. Two-thirds of any tax received pursuant to this section shall be distributed to the town and one-third to the school district or districts, or portions thereof, within the town in which such tract is situated. If such tract is situated in more than one school district, wholly or partly within such town, the several school districts or portions thereof within the town shall share in the amount allocated to the school districts in the proportion that the number of acres in each such school district or portion thereof within the town bears to the aggregate number of acres in all of such school districts or portions thereof within the town. The amount allocated to the town shall be retained by the supervisor for general town purposes and the amount allocated for school district purposes shall forthwith be paid by the supervisor to the proper fiscal officer of the school district or districts.

7. An owner may withdraw his tract from such classification at any time by payment of the tax of six per centum of the value of the standing timber. If an owner desires to withdraw his tract from classification he may agree with the assessors and supervisor as to the stumpage value of the forest growth. In case of dispute as to the stumpage value of wood or timber so classified and withdrawn from classification, the six per centum value of the standing timber so withdrawn, shall be assessed by the assessors within thirty days from the time they are required so to do by the owner. Such assessment and tax shall be treated in all respects the same as an assessment and tax

on the land, except as otherwise herein provided. The supervisor of the town may maintain an action in any court of competent jurisdiction against the owner of the land for the recovery of any tax due and unpaid under this section.

8. When in the judgment of the conservation department any such classified tract contains on the average forty thousand board feet of merchantable soft wood per acre, or twenty thousand board feet of merchantable hard wood per acre (or in case of mixtures of the two kinds of woods, the relative percentages of such amounts), the department may notify the owner that two years from the date of service of the notice, the tax of six per centum of the stumpage value of the forest growth will be due and that the tract will thereupon be withdrawn from classification under this section. The conservation department shall notify the supervisor to proceed to collect such tax when due, which collection may be enforced by action or foreclosure of lien as herein provided. The six per centum value of the timber contained on such tract shall be assessed by the assessors within thirty days from the time they are required so to do by the conservation department. Such assessment and tax shall be treated in all respects the same as an assessment and tax on the tract except that if such owner, within the two-year period, cuts such timber as directed by the conservation department according to the principles of practical forest management, the tax on the uncut forest growth shall not become due and the tract shall not be withdrawn from classification as long as the owner thereof shall continue to manage the same in the manner prescribed by the conservation department.

9. No lands shall be classified pursuant to this section after September first, nineteen hundred seventy-four. As to lands classified pursuant to this section prior to such date, the owner thereof may elect to continue to have such lands so classified, subject to all the duties, responsibilities and privileges under this section, or he may elect to make application for certification pursuant to section four hundred eighty-a hereof.

§ 480-a. Taxation of forest land. 1. As used in this section:

(a) "Approved management plan" shall mean:

(i) a plan approved by the department for the management of an eligible tract which shall contain requirements and standards to ensure the continuing production of a merchantable forest crop selected by the owner. Every approved management plan shall set forth requirements and standards relating to stocking, cutting, forest management access, and any specified use of the eligible tract other than for the production of a merchantable forest crop which is desired by the owner and compatible with or supportive of the continuing production of a merchantable forest crop. Such plan shall include provisions accommodating endangered and threatened animals and plants. Such plan must be prepared by or under the direct supervision of a forester who may be the owner or an agent of the owner, including an industrial forester or a cooperating consultant forester; or

(ii) participation in a forest certification program (such as Forest Stewardship Council certification, Sustainable Forestry Initiative; American Tree Farm Program, etc.) recognized in the regulations of the department.

(b) "Commitment" shall mean a declaration to the department made on an annual basis by the owner of a certified eligible tract committing such tract to continued forest crop production for the next succeeding ten years under an approved management plan.

(c) "Cooperating consultant forester" shall mean a qualified forester who, or a qualified forestry consultant firm which, has entered into an agreement with the department under the New York state cooperating consultant foresters program pursuant to section 9-0713 of the environmental conservation law.

(d) "Department" shall mean the department of environmental conservation.

(e) "Eligible tract" shall mean a tract of privately owned forest land of at least fifty contiguous acres, exclusive of any portion thereof not devoted to the production of forest crops. Lands divided by federal, state, county or town roads, easements or rights-of-way, or energy transmission corridors or similar facilities will be considered contiguous for purposes of this section, unless vehicular access for forest management purposes is precluded. Lands from which a merchantable forest crop has been cut or removed within three years prior to the time

of application for certification under this section will be ineligible unless such cutting or removal was accomplished under a forest management program designed to provide for the continuing production of merchantable forest crops.

(f) "Forest land" shall mean land exclusively devoted to and suitable for forest crop production through natural regeneration or through forestation and shall be stocked with a stand of forest trees sufficient to produce a merchantable forest crop within thirty years of the time of original certification.

(g) "Merchantable forest crop" shall mean timber or pulpwood, including veneer bolts, sawlogs, poles, posts and fuelwood, that is produced on forest land, has a value in the market and may be sold.

(h) "Stumpage value" shall mean the current market worth of a merchantable forest crop as it stands at the time of sale, cutting, required cutting or removal.

2. (a) An owner of an eligible tract may make application to the department for certification under this section on forms prescribed by the department. If the department finds that such tract is an eligible tract it shall forward a certificate of approval to the owner thereof, together with the approved management plan, and a copy of a commitment certified by the department for the eligible tract.

(b) The department shall, after public hearings, adopt and promulgate rules and regulations necessary for the implementation of the department's responsibilities pursuant to this section. Such regulations relating to approved management plans or amendments thereto may provide for alternative or contingent requirements and standards based on the size and nature of the tract and other criteria consistent with environmentally and economically sound silvicultural practices.

(c) Any tract certified pursuant hereto shall be subject to the provisions of this section. The obligations of this section shall devolve upon and the benefits inure to the owner, his heirs, successors and assigns.

3. (a) To qualify for a forest land exemption under this section the owner of a certified eligible tract shall:

(i) file the certificate of approval in the office of the clerk of the

county or counties in which such tract is situated. Such certificate shall specify that the tract described therein is committed to continued forest crop production for an initial period of ten years. Upon receipt of such certificate, the county clerk shall record the same in the books kept for the recording of deeds and shall index the same in the deed index against the name of the owner of the property. Until notice of revocation of the certificate of approval has been recorded and indexed as provided in subdivision seven or eight of this section, a certificate that has been recorded and indexed pursuant to this subdivision shall give notice that the certified tract is subject to the provisions of this section; and

(ii) prior to the taxable status date for the first assessment roll upon which such exemption is sought, file an initial application for exemption with the appropriate assessor on forms prescribed by the commissioner. Such application must be accompanied by a certified commitment issued by the department pursuant to subdivision two of this section; and

(iii) prior to the taxable status date for each subsequent assessment roll upon which such exemption is sought, file with the appropriate assessor a certified commitment of such tract to continued forest crop production for the next succeeding ten years under the approved management plan. Application for such commitment shall be made by the owner of such tract to the department, and the commitment shall be certified by the department.

(b) If the assessor is satisfied that the requirements of this section are met, he or she shall approve the application and such eligible tract shall be exempt from taxation pursuant to subdivision four of this section to be effective as of the first taxable status date occurring subsequent to such approval, and shall continue to be so exempt thereafter upon receipt by the assessor of a certified commitment filed in accordance with subparagraph (iii) of paragraph (a) of this subdivision and so long as the certification of the eligible tract shall not be revoked by the department.

(c) Failure on the part of the owner to file the certified commitment in any year following initial certification will result in the termination of the forest land exemption under this section, if any, applicable to the property for that and succeeding taxable years for

which no such commitments are filed. Failure to file a commitment will not constitute a conversion of the tract or breach of the approved management plan, pursuant to subdivision seven hereof, and the commitment of the property to forest crop production under the approved management plan shall remain in force for the next succeeding nine years following the last taxable year for which a certified commitment was filed.

(d) Following failure to file a certified commitment in one or more years, in order to obtain a forest land exemption under this section, an owner of a certified tract may submit a certified commitment to the assessor before the taxable status date in any subsequent year, except that a new application under paragraph (a) of subdivision two of this section and subparagraph (i) of paragraph (a) of this subdivision also shall be required if more than five years have elapsed since the owner's last certified commitment was filed. Such new application also shall be required whenever, during the preceding year, the approved management plan has been amended with respect to the acreage or location of forest land committed to forest crop production under this section.

4. (a) Certified eligible tracts approved for exemption under this section shall be exempt from taxation to the extent of eighty per centum of the assessed valuation thereof, or to the extent that the assessed valuation exceeds the amount resulting from multiplying the latest state equalization rate or, where a special equalization rate has been established pursuant to section twelve hundred twenty-four of this chapter for the purposes of this section, the special equalization rate by forty dollars per acre, whichever is the lesser.

(b) The assessed value of the exemption, if any, granted pursuant to this section shall be entered by the assessor on the assessment roll in such manner as shall be prescribed by the commissioner.

(c) Where a special equalization rate has been established by the commissioner pursuant to section twelve hundred twenty-four of this chapter, the assessor is directed and authorized to recompute the forest land exemption on the assessment roll by applying such special equalization rate instead of the latest state equalization rate in computing the forest land exemption, and to make the appropriate corrections on the assessment roll, subject to the provisions of title

two of article twelve of this chapter. Upon completion of the final assessment roll or, where a special equalization rate has been established, upon recomputation of the forest land exemption, the assessor shall certify to the department each exemption granted pursuant to this section in a manner prescribed by the commissioner.

5. (a) Whenever any cutting of the merchantable forest crop on any certified eligible tract is proposed during the period of commitment pursuant to subdivision three of this section, the owner shall give not less than thirty days' notice to the department in a manner and upon such form as may be prescribed by the department. Such notice shall include information as to the stumpage value, amount and location of such cutting. The department shall, within fifteen days after receipt of such notice from the owner, certify the stumpage value, if any, to the owner and to the county treasurer of the county or counties in which the tract is situated. No later than thirty days after receipt of such certification of value, the owner shall pay a six percentum tax on the certified stumpage value of the merchantable forest crop to such county treasurer.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, if the stumpage value of a merchantable forest crop will be determined with reference to a scale to be conducted after the commencement of the proposed cutting, the owner may elect to be taxed in accordance with this paragraph. Such election shall be made not less than thirty days in advance of commencement of the cutting, in such manner and upon such form as may be prescribed by the department. Such notice shall include information as to the estimated volume, scaling method, and the schedule and length of the cutting period, not to exceed one year. If a proper election has been made in accordance with this paragraph, the department shall so notify the owner before any cutting takes place on the eligible tract, and it shall certify the scaled stumpage value to the owner of the tract and to the county treasurer of the county or counties when the cutting has concluded. No later than thirty days after the receipt of such certification of value, the owner shall pay a six per centum tax on the stumpage value of the merchantable forest crop to such county treasurer.

(c) In the event that a tax required by this subdivision or by

subdivision six of this section shall not be timely paid, it shall be levied and collected, together with any penalty or penalties determined pursuant to subdivision seven of this section, in the same manner and at the same time as other taxes imposed and levied on the next completed tax roll of such county or counties.

(d) Notwithstanding the foregoing provisions of this subdivision and the provisions of subdivision six of this section, the owner of any land certified under this section may make all intermediate noncommercial cuttings, as prescribed in the approved management plan, and may annually cut, in accordance with sound forestry practices, ten standard cords or the equivalent for such owner's own use, without notice and free of tax imposed by this section.

6. (a) The department may serve notice upon the owner of a certified tract directing such owner to make a cutting as prescribed in the approved management plan for such tract. Should such cutting involve the sale or utilization of a merchantable forest crop, not less than thirty days in advance of cutting the owner shall give notice to the department of the stumpage value, amount and location of the cutting on a form prescribed by the department. The department shall within fifteen days after receipt of such notice from the owner, certify the stumpage value, if any, to the owner and to the county treasurer of the county or counties in which such tract is situated. No later than thirty days after receipt of such certification of value, the owner shall pay a six per centum tax on the certified stumpage value to such county treasurer.

(b) Any cutting of a merchantable forest crop under this subdivision must be conducted within two years from the date of service of the notice upon the owner issued by the department. Upon failure of the owner within such period to conduct such cutting, the department shall certify to the owner and the county treasurer of the county or counties the stumpage value of such merchantable forest crop. No later than thirty days after receipt of such certification of value, the owner shall pay a six per centum tax on the certified stumpage value to such county treasurer.

(c) Any noncommercial cutting under this subdivision must be conducted within one year from the date of service of the notice upon the owner issued by the department.

(d) If such owner, within the period prescribed by this subdivision, makes such cuttings as directed by the department, the tract shall continue to be certified as long as the owner shall continue to comply with the provisions of this section and manage the same in the manner prescribed in the approved management plan for such tract.

7. (a) The department shall, after notice and hearing, issue a notice of violation of this section for any certified tract whenever it finds that:

(i) any tract or portion thereof is converted to a use which precludes management of the land for forest crop production; or

(ii) the owner fails to give notice of a proposed cutting on such tract or fails to timely pay the appropriate tax on the stumpage value of the merchantable forest crop determined pursuant to subdivision five or six of this section; or

(iii) the owner fails to comply with the approved management plan for such tract at any time during the commitment period; or

(iv) the owner fails to make a timely cutting in accordance with the provisions of subdivision six of this section after service of notice by the department to make such a cutting.

(b) Notwithstanding the finding of an occurrence described by subparagraph (ii), (iii) or (iv) of paragraph (a) of this subdivision, the department, upon prior notice to the appropriate assessor, may determine that a violation has not occurred if the failure to comply was due to reasons beyond the control of the owner and such failure can be corrected forthwith without significant effect on the overall purpose of the management plan.

(c) The owner of such tract, following the issuance of such notice by the department for one or more of the reasons set forth in paragraph (a) of this subdivision, shall be subject to a penalty as provided in paragraph (d) or (e) of this subdivision, whichever applies. Penalties imposed by this section shall be subject to interest charges at the rate established pursuant to section nine hundred twenty-four-a of this chapter for each applicable year or, for years prior to nineteen hundred eighty-four, at a rate of six per centum per annum compounded. Such interest shall accrue in the year with reference to which a penalty, or portion thereof, is attributed.

(d) Except as otherwise provided in paragraph (e) of this subdivision, the penalty imposed under paragraph (c) of this subdivision shall be computed by multiplying by two and one-half the amount of taxes that would have been levied on the forest land exemption entered on the assessment roll pursuant to subdivision four of this section for the current year and any prior years in which such an exemption was granted, utilizing the applicable tax rate for the current year and for such prior years, not to exceed a total of ten years.

(e) The penalty imposed under paragraph (c) of this subdivision applicable to converted land which constitutes only a portion of a certified eligible tract shall be twice the amount determined under paragraph (d) of this subdivision. In calculating such penalty, only that portion of the tract that was actually converted to a use that precludes management of the land for forest crop production shall be used as the basis for determining the penalty.

(f) A notice of violation issued under this subdivision shall be given by the department to the owner and to the county treasurer of the county or counties in which such tract is located, and the penalty and interest charges shall be computed for each of the municipal corporations in which such tract is located by such county treasurer. Upon completion of the computation of the penalty and interest, the county treasurer shall give notice to the owner of the amount of the penalty and interest, and the amount shall be entered on the next completed tax roll of such county or counties. Such penalties and interest shall be levied and collected in the same manner and at the same time as other taxes are imposed and levied on such roll. Upon collection of such penalties and interest, such county treasurer shall pay the amounts due to each of the appropriate municipal corporations.

(g) Upon receipt of proof satisfactory to the department that all penalties, stumpage taxes and interest imposed by this section have been fully paid or satisfied, the department shall revoke the certificate of approval issued pursuant to subdivision two of this section, and notice of such revocation shall be given to the owner and to the county clerk of the county or counties in which the tract is located. Upon receipt of such notice of revocation, the county clerk shall record the same in the books kept for the recording of deeds and shall index the same in the deed index against the name of the owner of the property. The county

clerk shall also note on the face of the last certificate of approval or certified commitment previously recorded pursuant to this section the word "REVOKED" followed by a reference to the liber and page where the notice of revocation is recorded pursuant to this subdivision.

(h) The certificate of approval of a certified tract for which no notice of violation has been issued shall be revoked without penalty upon receipt of proof satisfactory to the department that nine years have passed from the year of the last certified commitment filed with the assessor by the owner pursuant to subdivision three of this section. Notice of such revocation shall be recorded and indexed as provided in paragraph (g) of this subdivision.

(i) No fee, penalty or rollback of taxes otherwise due pursuant to this section may be imposed upon the city of New York for failure to comply with a certified management plan for an eligible tract that the city acquires for watershed purposes.

8. (a) The owner of a certified tract shall not be subject to any penalty under this section that would otherwise apply because such tract or any portion thereof is converted to a use other than forest crop production by virtue of: (i) an involuntary taking by eminent domain or other involuntary proceeding, except a tax sale, or (ii) a voluntary proceeding, providing such proceeding involves the establishment of rights-of-way for public highway or energy transmission purposes wherein such corridors have been established subsequent to public hearing as needed in the public interest and environmentally compatible, or (iii) oil, gas or mineral exploration, development or extraction activity undertaken by an independent grantee pursuant to a lease or other conveyance of subsurface rights recorded more than ten years prior to the date of the certificate of approval issued by the department under subdivision two of this section, or (iv) where all or a substantial portion of the certified tract is destroyed or irreparably damaged by reason of an act of God or a natural disaster.

(b) In the event the land so converted to a use other than forest crop production constitutes only a portion of such tract, the assessor shall apportion the assessment, and enter that portion so converted as a separately assessed parcel on the appropriate portion of the assessment roll. The assessor shall then adjust the forest land exemption

attributable to the portion of the tract not so converted by subtracting the proportionate part of the exemption of the converted parcel.

(c) If the portion so converted divides the tract into two or more separate parcels, such remaining parcels not so converted will remain certified under this section, regardless of size, except that should any remaining parcel be no longer accessible for continued forest crop production, the department shall, after notice and hearing, revoke the certification of the inaccessible parcel or parcels, and notice of such revocation shall be recorded and indexed as provided in subdivision seven of this section. Such revocation shall not subject the owner of the tract to penalty, but the exemption under this section shall no longer apply to the tract or portion thereof no longer accessible.

(d) The owner of a certified tract shall not be subject to penalty under this section that would otherwise apply because the forest crop on the certified tract or portion is, through no fault of the owner, damaged or destroyed by fire, infestation, disease, storm, flood, or other natural disaster, act of God, accident, trespass or war. If a merchantable forest crop is to be cut or removed in connection with necessary salvage operations resulting from any such event, the owner shall give notice of cutting, the department shall certify the stumpage value, and stumpage tax shall be payable, collected and enforced as provided in subdivisions five and seven of this section. Nothing in this paragraph shall be construed to subject any person to penalty under subdivision seven of this section for immediate action taken in good faith in the event of an emergency.

9. All stumpage tax, penalties and interest charges thereon collected pursuant to subdivisions five, six and seven of this section shall be apportioned to the applicable municipal corporations in which such tract is situated.

10. (a) Management plans approved pursuant to this section shall not be deemed to authorize or permit any practice or activity prohibited, restricted or requiring further approval under the environmental conservation law, or any other general or special law of the state, or any lawful rule or regulation duly promulgated thereunder.

(b) No otherwise eligible tract, or portion thereof, shall be deemed

to be ineligible for certification or qualification under this section, and no certificate of approval shall be revoked or penalty imposed, solely on the ground that any such law, rule or regulation partially restricts or requires further approval for forest crop production practices or activities on such tract or portion.

§ 481. Taxation of land used for agricultural production.

Notwithstanding any other provision of this chapter, land used in agricultural production as that term is defined in section three hundred one of the agriculture and markets law, shall be assessed and taxed in the manner provided by article twenty-five-AA of the agriculture and markets law.

§ 482. Quarantined lands. Whenever the state takes possession of farm lands for the purpose of enforcing a quarantine and to fumigate or treat the lands against the spread of the golden nematode, the board of supervisors of the county or the financial board of any city, within which such lands are situated, may, in its discretion, exempt such lands from taxation for county, city or town purposes, but such lands shall be subject to tax levies for school purposes and special ad valorem levies and special assessments. An exemption granted pursuant to this section shall continue only while the lands are in the possession of the state and under such quarantine and treatment.

§ 483. Exemption from taxation of structures and buildings essential to the operation of agricultural and horticultural lands. 1. Structures and buildings essential to the operation of lands actively devoted to agricultural or horticultural use and actually used and occupied to carry out such operation which are constructed or reconstructed subsequent to January first, nineteen hundred sixty-nine and prior to January first, two thousand twenty-nine shall be exempt from taxation to the extent of any increase in value thereof by reason of such construction or reconstruction for a period of ten years.

2. The term "structures and buildings" shall include: (a) permanent and impermanent structures, including trellises and pergolas, made of metal, string or wood, and buildings or portions thereof used directly and exclusively in the raising and production for sale of agricultural and horticultural commodities or necessary for the storage thereof, but not structures and buildings or portions thereof used for the processing of agricultural and horticultural commodities, or the retail merchandising of such commodities; (b) structures and buildings used to provide housing for regular and essential employees and their immediate families who are primarily employed in connection with the operation of lands actively devoted to agricultural and horticultural use, but not including structures and buildings occupied as a residence by the applicant and his immediate family; (c) structures and buildings used as indoor exercise arenas exclusively for training and exercising horses in connection with the raising and production for sale of agricultural and horticultural commodities or in connection with a commercial horse boarding operation as defined in section three hundred one of the agriculture and markets law. For purposes of this section, the term "indoor exercise arenas" shall not include riding academies or dude ranches; (d) structures and buildings used in the production of maple syrup; (e) structures and buildings used in the production of honey, royal jelly, bee pollen, propolis and beeswax including those structures and buildings used for the storage of bees. For purposes of this section, this shall not include those structures or buildings and portions thereof used for the sale of maple syrup or sale of honey and beeswax. The term "structures and buildings" shall not include silos, bulk milk tanks or coolers, or manure storage, handling and treatment facilities as such terms are used in section four hundred eighty-three-a of this title.

3. The term "lands actively devoted to agricultural or horticultural use" shall mean lands not less than five acres in area actually used in bona fide agricultural and horticultural production and operation carried on for profit.

4. Such exemption from taxation shall be granted only upon an application by the owner of the building or structure on a form

prescribed by the commissioner. The applicant shall furnish such information as the commissioner shall require. Such application shall be filed with the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village or county and within one year from the date of completion of such construction or reconstruction.

5. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he shall approve the application. Such structures or buildings shall be exempt from taxation as herein provided.

6. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the portion of the assessment roll provided for property exempt from taxation. An exemption granted pursuant to this section shall continue only while the buildings and structures are actually used and occupied as provided herein, but in no event for more than ten years.

7. In the event that land or buildings or structures in agricultural or horticultural use are converted to non-agricultural or non-horticultural use during the period of an exemption granted pursuant to this section, the structures or buildings upon which the exemption was granted shall be subject to roll-back taxes for the period during which the exemption was operative. Structures and buildings subject to roll-back taxes shall be taxed as provided herein.

(a) Notwithstanding any limitations contained in section five hundred fifty of this chapter, the assessors of the appropriate assessing unit shall enter on the taxable portion of the assessment roll of the current year the assessed valuation or valuations of the structures or buildings on which exemption was granted in any prior year or years at the assessed valuation or valuations as set forth on the exempt portion of the assessment roll or rolls.

(b) The amount of roll-back taxes shall be computed by the appropriate tax levying body by applying the applicable tax rate for each such prior year to the assessed valuation, as set forth on the exempt portion of the assessment roll, for such structures or buildings for each such

prior year during such period of exemption.

(c) Such roll-back taxes shall be levied and collected in the same manner and at the same time as other taxes are imposed and levied on such roll.

8. As used in this section, the term "agricultural and horticultural" shall include the activity of raising, breeding and boarding of livestock, including commercial horse boarding operations.

§ 483-a. Farm silos, farm feed grain storage bins, commodity sheds, bulk milk tanks and coolers, and manure storage and handling facilities.

1. The following structures permanently affixed to agricultural land shall be exempt from taxation, special ad valorem levies and special assessments: (a) structures for the purpose of preserving and storing forage in edible condition; (b) farm feed grain storage bins; (c) commodity sheds; (d) bulk milk tanks and coolers used to hold milk awaiting shipment to market; and (e) manure storage, handling and treatment facilities, including composting of agricultural materials, such as livestock manure and farming wastes, food residuals or other organic wastes associated with food production or consumption with at least fifty percent by weight of its feedstock on an annual basis being livestock manure, farming wastes and crops grown specifically for use as composting feedstock. "Food residuals" means organic material, including, but not limited to, food scraps, food processing residue, and related soiled or unrecyclable paper used in food packaging, preparation or cleanup.

2. The exemption provided by subdivision one of this section shall only be granted upon the application of the owner of the property upon which such structures are located, on a form to be prescribed by the commissssioner. Such application shall be filed on or before the appropriate taxable status date with the assessor of the municipality having the power to assess real property. Once an exemption is granted, no renewal thereof shall be necessary.

3. For the purposes of this section, the terms "farm feed grain

storage bin" and "commodity shed" shall mean a limited use structure designed and used for the storage of grains, feed grains and other feed components which may have a flat or conical bottom and is designed specifically for on farm storage.

§ 483-b. Historic barns. 1. Historic barns which are reconstructed or rehabilitated shall be exempt from taxation to the extent provided hereinafter. After a public hearing, the governing board of a county, city, town or village may adopt a local law and a school district, other than a school district subject to article fifty-two of the education law, may adopt a resolution to grant the exemption authorized pursuant to this section. A copy of such local law or resolution shall be filed with the commissioner and the assessor of such county, city, town or village who prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

2. (a) Such barns shall be exempt for a period of one year to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction or rehabilitation and for an additional period of nine years subject to the following:

(i) The extent of such exemption shall be decreased by ten per centum of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives

certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(b) No such exemption shall be granted for reconstruction or rehabilitation unless such reconstruction or rehabilitation was commenced subsequent to the effective date of the local law or resolution adopted pursuant to subdivision one of this section; provided, however, that such local law or resolution may provide that such reconstruction or rehabilitation commenced prior to the effective date of such local law or resolution may qualify for the exemption.

(c) No such exemption shall be granted to an historic barn which is receiving an exemption pursuant to section four hundred eighty-three of this title or which has received an exemption pursuant to that section within ten years of the date of the application for exemption filed pursuant to this section.

(d) No such exemption shall be granted to an historic barn which is used for residential purposes.

(e) No such exemption shall be granted for reconstruction and rehabilitation expenses that materially alter the historic appearance of the barn.

3. Such exemption shall be granted only upon application by the owner of such barn on a form prescribed by the commissioner. The application shall be filed with the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village or county.

4. If satisfied that the barn is entitled to an exemption pursuant to

this section, the assessor shall approve the application and such barn shall thereafter be exempt from taxation as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. For the purposes of this section, an historic barn shall mean a certified agricultural structure that was at least partially constructed before nineteen hundred forty-five and that is or was used as an agricultural facility or for purposes related to agriculture; provided, however, that a certified agricultural structure that was constructed after nineteen hundred forty-five may qualify as an historic barn if such structure is determined eligible for listing on the state or national register of historic places or is determined to be a contributing structure of a district listed on the state or national register of historic places. The office of parks, recreation and historic preservation shall establish eligibility guidelines for the certification of agricultural structures as historic barns which shall be eligible for the tax exemption established pursuant to this section.

§ 483-c. Temporary greenhouses. 1. For purposes of this section, "temporary greenhouse" means specialized agricultural equipment having a framework covered with demountable polyethylene or polypropylene materials or materials of a polyethylene or polypropylene nature which is specifically designed, constructed and used for agricultural production. A temporary greenhouse may include, but is not limited to, the use of heating devices, water and electrical utilities, and embedded supporting poles.

2. A temporary greenhouse, as defined in subdivision one of this section, shall be exempt from taxation, special ad valorem levies, and special assessments.

3. The exemption provided by subdivision two of this section shall

only be granted upon the application of the owner of the property upon which such structures are located on a form to be prescribed by the commissioner. Such application shall be filed on or before the appropriate taxable status date with the assessor of the municipality having the power to assess real property. Once an exemption is granted pursuant to the provisions of this section, no renewal thereof shall be necessary.

§ 483-d. Farm or food processing labor camps or commissaries. 1. Farm or food processing labor camps or commissaries, as defined in article seven of the labor law, and any other structures used to improve the health, living and working conditions for farm laborers, that are in compliance with all applicable standards set by the departments of health and labor, and the state building code commission shall be exempt from taxation, special ad valorem levies, and special assessments.

2. The exemption provided by subdivision one of this section shall only be granted upon the application of the owner of the property upon which such structures are located on a form to be prescribed by the commissioner. Such application shall be filed on or before the appropriate taxable status date with the assessor of the municipality having the power to assess real property. The assessor shall determine that the structure or structures are in compliance with the standards required by subdivision one of this section. Once an exemption is granted pursuant to the provisions of this section, no renewal thereof shall be necessary, unless the structure or structures no longer are in compliance with the standards required by subdivision one of this section.

§ 483-e. Anaerobic digestion facilities. 1. Structures permanently affixed to land for the purpose of anaerobic digestion of agricultural materials, including structures necessary for the storage and handling of the agricultural materials that are part of the digestion process, together with any equipment necessary for producing, collecting, storing, cleaning and converting biogas into forms of energy and

generation, transmission, transporting, use of and/or the sale of biogas or energy on-site, off-site, and/or pursuant to an interconnection agreement with a utility; shall be exempt from taxation, special ad valorem levies and special assessments. "Agricultural materials" includes, but is not limited to, livestock manure, farming wastes and food residuals and other organic wastes associated with food production or consumption with at least fifty percent by weight of its feedstock on an annual basis being livestock manure, farming wastes and crops grown specifically for use as anaerobic digestion feedstock. "Food residuals" means organic material, including, but not limited to, food scraps, food processing residue, and related soiled or unrecyclable paper used in food packaging, preparation or cleanup.

2. The exemption provided by subdivision one of this section shall only be granted upon the application of the owner of the property upon which such structures are located, on a form to be prescribed by the commissioner. Such application shall be filed on or before the appropriate taxable status date with the assessor of the municipality having the power to assess real property. Once an exemption is granted, no renewal thereof shall be necessary.

§ 484. Urban redevelopment corporations and companies. Real property owned by urban redevelopment corporations and companies shall be entitled to the exemptions provided in chapter eight hundred ninety-two of the laws of nineteen hundred forty-one and chapter eight hundred forty-five of the laws of nineteen hundred forty-two, as amended.

§ 485. Nuclear powered electric generating facilities. 1. Nuclear powered electric generating facilities shall be exempt from taxation, special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this article upon the adoption of a local law granting such exemption by the legislative body of the county, city, town or village in which such a facility is located or by resolution following a public hearing of the governing body of the school district in which such facility or facilities are located,

provided the taxing district may only exempt the facility from real property taxes imposed by the taxing district granting the exemption. The local law or resolution shall state the date on which such exemption shall commence. A copy of such local law or resolution shall be filed no later than thirty days after the adoption thereof with the clerk of each municipal corporation in which the facility is located and with the commissioner. For purposes of this section, nuclear powered electric generating facility shall mean a facility that generates or formerly generated electricity using nuclear power for sale, directly or indirectly, to the public, including the land upon which the facility is located, any equipment used in such generation, and equipment leading from the facility to the interconnection with the electric transmission system, but shall not include any equipment in the electric transmission system.

2. (a) If a taxing district and an owner of a nuclear powered electric generating facility have not signed an agreement for payments in lieu of taxes by the date specified in the resolution or local law, or if an owner and a taxing district agree to cancel such an agreement, or if such an agreement does not apply to an assessment roll upon which a facility is wholly exempt from taxation pursuant to this section, the owner of such facility shall be obliged to make payments in lieu of taxes in the base amount, or in the base amount as adjusted pursuant to the provisions of paragraph (c) of this subdivision.

(b) The base amount shall be the taxes levied against the facility on the last assessment roll on which the facility was assessed as taxable real property, or in the case of a special district, the special ad valorem levies or special assessments levied against or charged to the facility on that assessment roll. However, if no taxes or special ad valorem levies were or will be levied against the facility within one year of the effective date of the local law or resolution authorizing the exemption, the base amount shall be the taxes or special ad valorem levies that would have been levied against the facility on the assessment roll based on the first taxable status date occurring on or before the effective date of the local law or resolution, assuming that the facility had been taxable on that assessment roll, and that the applicable tax rate had been determined accordingly. For purposes of

this section, the assessment roll which is used to determine the base amount pursuant to this paragraph shall be referred to as the "base assessment roll."

(c) The base amount for payments on the current assessment roll shall be adjusted as follows:

(i) by the percentage change between the assessment of the facility on the current roll and on the base assessment roll, adjusted for any change in level of assessment as defined in section twelve hundred of this chapter;

(ii) in the case of a municipal corporation, by the percentage change between the total amount of taxes levied against all taxable real property on the current roll and on the base assessment roll by that municipal corporation;

(iii) in the case of a special district, by the percentage change between the total amount of special ad valorem levies and special assessments imposed against all taxable real property on the current roll and on the base assessment roll by that special district; and

(iv) if the municipal corporation also contains a nuclear powered electric generating facility which had been wholly exempt from taxation on the base assessment roll pursuant to section one thousand twelve of the public authorities law but which is no longer eligible for that exemption due to a change in ownership, the base amount shall be adjusted to reflect the fact that the formerly exempt facility is now either subject to taxation or liable to make payments in lieu of taxes pursuant to this section, as the case may be.

(d) In the event the facility was not taxable on a prior assessment roll, and no exemption is then in effect, the assessor of each assessing unit in which the facility is located is hereby authorized to immediately subject the facility to taxation in the manner prescribed by section five hundred twenty of this chapter.

(e) For assessment rolls with taxable status dates on or after January first, two thousand thirty-one, or such earlier year as may be specified in the local law or resolution authorizing the exemption, the exemption provided by this section shall no longer apply and any agreement for payments in lieu of taxes for any facility theretofore exempt pursuant to this section shall no longer be in effect. Upon the request of the assessor of an assessing unit containing a nuclear powered electric

generating facility, the commissioner shall provide an advisory appraisal of such facility for use on the municipal assessment roll with a taxable status date on or after January first, two thousand thirty-one.

(f) Nothing herein shall be deemed to prevent the owner of a nuclear powered electric generating facility from seeking judicial review of an assessment pursuant to article seven of this chapter. Any determination of the proper assessment of a facility as a result of such a proceeding shall be reflected in any payment in lieu of taxes including the refund of such payments, as provided in the judgment and order of the court.

3. The owner of a nuclear powered electric generating facility shall enter into an agreement with each taxing district which grants the facility the exemption providing for payments in lieu of taxes to be made for no longer than the period during which the facility is exempt pursuant to this section. Any such agreement must be filed with the commissioner and the clerk of each municipal corporation in which the facility is located within thirty days of being executed. Nothing herein shall be deemed to invalidate any existing agreement for payments in lieu of taxes.

4. Any agreement for payments in lieu of taxes pursuant to this section may be negotiated at any time. Before an agreement for payments in lieu of taxes is executed by a taxing district, such taxing district must hold a public hearing on the proposed agreement.

5. Any payments in lieu of taxes to be made to a taxing district under this section shall be credited to the amount to be raised in taxes before determining the tax rates for each taxing district.

6. When a school district receives payments in lieu of taxes from a nuclear powered electric generating facility, any actual valuation computed for such school district pursuant to paragraph c of subdivision one of section thirty-six hundred two of the education law shall include the actual valuation equivalent of those payments. The commissioner shall determine such actual valuation equivalent by dividing the payment made, as reported to such commissioner by the commissioner of education,

by the school tax rate that was applied to real property on that year's assessment roll or, if applicable, the special apportionment rate determined pursuant to section twelve hundred twenty-seven of this chapter and dividing such result by the final state equalization rate for that roll. The actual valuation equivalent shall be reported to the state comptroller and the commissioner of education, and shall be used by the commissioner of education in the determination of any state average that uses real property taxes levied against and/or actual valuation based upon the corresponding assessment roll. Each school district receiving payments in lieu of taxes for nuclear powered electric generating facilities shall annually report those payments to the commissioner of education, with a copy to the commissioner, as a condition to receiving any aid pursuant to section thirty-six hundred two of the education law.

7. Payments in lieu of taxes made pursuant to this section are not taxes and shall not be apportioned to any part of a taxing district in the apportionment of taxes.

8. Facilities exempt from taxation pursuant to subdivision one of this section shall not be deemed taxable real property for purposes of any equalization rate, product, study or survey conducted or established pursuant to article twelve of this chapter or any other provision of law.

9. Any payments in lieu of taxes made pursuant to this section shall be paid prior to the expiration of the warrant for collection of the taxes in lieu of which such payments are to be made and of the interest-free period prescribed by law, and the agreement shall so provide. If payments are not made within such period, they shall be subject to the same interest and penalties as unpaid taxes. If the payments remain unpaid, the official to whom the payments are to be made shall present a statement to that effect to the appropriate tax levying body on or before a date specified by such body for that purpose. Such body shall levy against the facility the amount contained in such statement, together with all applicable interest and penalties, at the same time and in the same manner as taxes. The amounts so levied shall

be collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of taxes, notwithstanding the fact that the facility is otherwise wholly exempt from taxation.

10. When restrictions have been imposed upon changing future assessments of a facility pursuant to the provisions of either section seven hundred twenty-seven of this chapter or a formal agreement between the parties, and the facility becomes exempt pursuant to this section, such restrictions shall apply to future assessments of the facility to the same extent as if it had not become exempt pursuant to this section.

11. The provisions of this section shall not be applicable in a special assessing unit.

§ 485-a. Residential-commercial urban exemption program. 1.

Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Municipality" means any town, city or village except for a city having more than one million inhabitants.

(b) "Applicant" means any person obligated to pay real property taxes on the property for which an exemption from real property taxes under this section is sought.

(c) "Commercial construction work" means the modernization, rehabilitation, expansion or other improvement of the portion of mixed-use property to be used for commercial purposes.

(d) "Commercial purpose or use" means (i) the buying, selling or otherwise providing of goods or services directly to the public; or (ii) a non-residential lawful use including, but not limited to, an office, hotel, retail store, brewery, distillery, restaurant, cafe, bar or tavern, gymnasium, theater, or entertainment venue which employs or is anticipated to employ a minimum of five employees primarily at the mixed-use property for which an exemption under this section is sought.

(e) "Mixed-use property" means property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a

building or structure used for both residential and commercial purposes of which, at least forty percent of the building or structure's square footage is devoted to residential purposes or use and at least fifteen percent of the building or structure's square footage is devoted to commercial purposes or use.

(f) "Person" means an individual, corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.

(g) "Residential construction work" means the creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

(h) "Story above grade" means any story having its finished floor surface entirely above grade.

(i) "Grade" shall mean the finished ground level adjoining the building at all exterior walls.

2. Any municipality may, by local law, provide for the exemption of real property from taxation as provided in this section. Upon the adoption of such a local law, the county in which such municipality is located may, by local law, and any school district, all or part of which is located in such municipality, may, by resolution, exempt such property from its taxation in the same manner and to the same extent as such municipality has done.

3. Upon the adoption of such a local law, non-residential real property, upon conversion to mixed-use property, shall be exempt from taxation and special ad valorem levies as provided for in subdivision four of this section.

4. (a) (i) For a period of twelve years from the approval of an application, the increase in assessed value of such property attributable to such conversion shall be exempt as provided in subparagraph (ii) of this paragraph. Such exemption shall be computed with respect to the "exemption base". The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value.

(ii) The following table shall illustrate the computation of the tax exemption:

Year of exemption	Percentage of exemption
1 through 8	100% of exemption base
9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

(b) No such exemption shall be granted unless:

(i) such conversion was commenced subsequent to the date on which the municipality's local law took effect; and

(ii) the cost of such conversion exceeds the sum of ten thousand dollars or such greater amount as may be specified by local law.

(c) For purposes of this section the term conversion shall not include ordinary maintenance and repairs.

(d) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

5. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of the municipality or county having the power to assess property for taxation on or before the appropriate taxable status date of such municipality or county.

6. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall be exempt from taxation and special ad valorem levies as in this section provided. The assessed

value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

7. (a) During the period of exemption pursuant to this section, the owner shall submit an annual certification to the assessor attesting that the property complies with the provisions or requirements of this section and any additional provisions or requirements as may be provided by local law. Failure to submit such certification shall result in revocation of benefits. Such certification shall include at a minimum the following:

- (i) the types of residential use and the total above-grade square footage and below-grade square footage of such use;

- (ii) the types of commercial use and the total above-grade square footage and below-grade square footage of such use;

- (iii) attestation that the portion of the building used for commercial purposes is currently, as demonstrated by documentation submitted by the applicant, used as such or is in good faith contemplated to be used as such;

- (iv) the specific address of the entrance through which the public enters the portion of the building used for commercial purposes;

- (v) if the portion of the building intended to be used for commercial purposes is not currently in active use for such purposes and open to the public, the reasons why it is not currently being used for commercial purposes and open to the public; and

- (vi) all such other information required by the municipality.

(b) If the assessor is satisfied that the applicant continues to be entitled to the exemption pursuant to this section, the assessor shall approve the certification and the real property shall remain exempt from taxation and special ad valorem levies for another year as provided in this section.

8. (a) The benefits of this section shall be revoked upon a finding by the assessor that:

- (i) the application for benefits hereunder or the annual certification required hereunder contains a false statement or false information as to a material matter or omits a material matter;

(ii) the eligible real property fails to comply with one or more of the provisions or requirements of this section or any provisions or requirements provided by local law; or

(iii) the portion of the property devoted to commercial purposes has not been in active use for commercial purposes and open to the public for three consecutive years.

(b) Such revocation shall require the repayment of any benefits previously granted pursuant to this section for any year during which the property was non-compliant or the application or annual certification contained a false statement or false information as to a material matter or omitted a material matter.

(c) No benefits may be revoked unless the applicant has been given thirty days' notice of such revocation and has been given reasonable notice to cure any failure to comply with the provisions of requirements of this section.

9. If the assessor determines that there was a material misstatement in an application filed by or on behalf of the owners for an exemption pursuant to this section and that such misstatement provided the basis for the granting of such exemption, the municipality shall proceed to impose a penalty on the applicant of one thousand dollars in addition to recovering the amount of any prior exemption granted.

§ 485-b. Business investment exemption. 1. Real property constructed, altered, installed or improved subsequent to the first day of July, nineteen hundred seventy-six for the purpose of commercial, business or industrial activity shall be exempt from taxation and special ad valorem levies, except for special ad valorem levies for fire district, fire protection district and fire alarm district purposes, to the extent hereinafter provided.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction, alteration, installation or improvement and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five

per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base." The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30

6	25
7	20
8	15
9	10
10	5

(b) No such exemption shall be granted unless

(1) such construction, alteration, installation or improvement was commenced subsequent to the first day of January, nineteen hundred seventy-six or such later date as may be specified by local law or resolution;

(2) the cost of such construction, alteration, installation or improvement exceeds the sum of ten thousand dollars or such greater amount as may be specified by local law or resolution; and

(3) such construction, alteration, installation or improvement is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the terms construction, alteration, installation and improvement shall not include ordinary maintenance and repairs.

(d) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the ten year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of the city, town, village, or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village or county and within one year from the date of completion of such

construction, alteration, installation or improvement.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies, except for special ad valorem levies for fire district, fire protection district and fire alarm district purposes, as herein provided commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used primarily for the buying, selling, storing or developing goods or services, the manufacture or assembly of goods or the processing of raw materials. This section shall not apply to property used primarily for the furnishing of dwelling space or accommodations to either residents or transients other than hotels or motels.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A county, city, town or village may, by local law, and a school district, except a city school district to which article fifty-two of the education law applies, may, by resolution, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any such local law or resolution shall not be subject to any such reduction so effected. Any county, city, town, village or school district that has reduced the per centum of exemption pursuant to this subdivision may thereafter, by local law or resolution as the case may be, increase the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two or twelve of this section, whichever is applicable, provided, however, that any such

local law or resolution shall apply only to construction, alterations, installations, or improvements commenced subsequent to the effective date of such local law or resolution. A copy of all such local laws or resolutions shall be filed with the commissioner and the assessor of each assessing unit which comprises the county, city, town or school district or, in the case of a village, the village assessor, or the applicable town or county assessor of a village which has adopted a local law provided in subdivision three of section fourteen hundred two of this chapter.

8. A county, city, town or village may, by local law, and a school district, except a city school district to which article fifty-two of the education law applies may, by resolution, establish a date for the commencement of effectiveness of exemptions offered pursuant to this section and may provide that the provisions of this section shall apply only to construction, alteration, installation or improvements having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed fifty thousand dollars.

9. (a) A county, city, outside the city of New York, town or village may, by local law, and a school district which levies school taxes may, by resolution, establish a board to be known as the industrial and commercial incentive board. The membership and composition of such board shall be set forth in the local law or resolution.

(b) The industrial and commercial incentive board shall present a plan to the appointing local legislative body concerning the various types of business real property which should be granted eligibility for an exemption pursuant to subdivision one of this section. Such plan shall make recommendations concerning the applicability of the exemption to specific sectors and subsectors, as defined in the North American Industry Classification System published by the United States Government. Such plan shall also make a recommendation as to whether the exemption be computed as provided in subdivision two or twelve of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning

objectives of each municipality within which such exemptions may be offered, the necessity of the exemption to the attraction or retention of such business and the economic benefit to the area of providing exemptions to various types of businesses.

(c) In addition, the board may make recommendations to the appointing local legislative body with respect to actions it deems desirable to improve the economic climate therein.

(d) Notwithstanding the provisions of paragraph (a) of this subdivision, where a county establishes an industrial and commercial incentive board, the members of such board shall be appointed as follows: three representatives of the county: the appointment of one shall be reserved to the county executive of the county who shall serve as chair, and one each for the majority and the minority parties of the county legislative body; one representative for each city located within the county upon the recommendation of the mayor; one representative for each of the towns located within the county upon the recommendation of the supervisor; one representative to collectively represent all of the villages located within the county upon the recommendation of the mayors of the villages in the county; and one representative to collectively represent all of the school districts located within the county upon recommendation of the county school boards association. The members of such board shall serve at the pleasure of the governing body which they represent. The members shall serve without salary, but the county legislative body may entitle each such member to reimbursement for his or her actual and necessary expenses incurred in the performance of his or her duties.

10. Where a county, city, town, village or school district has established an industrial and commercial incentive board, pursuant to subdivision nine of this section, such county, city, town or village may, by local law, and a school district, except a city school district to which article fifty-two of the education law applies, may, by resolution, restrict real property eligible to receive the exemption to real property constructed, altered, installed or improved for those purposes identified in the plan presented by the board. Such law or resolution shall identify the specific sectors and subsectors, as defined in the North American Industry Classification System published

by the United States Government to which the exemption shall be applicable. Such law or resolution shall also restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the board.

11. Where a county, by law, restricts exemptions pursuant to the recommendations of an industrial and commercial incentive board, established pursuant to subdivision nine of this section, such restricted exemptions shall be applicable to taxes and special ad valorem levies of each city, town, village and school district located within the area within which the restricted exemptions are offered by the county, unless such city, town or village shall, by law, or such school district, shall, by resolution, determine that such restricted exemptions shall not be applicable to its tax and ad valorem levies. Upon adoption of such law, the county shall notify each affected city, town, village and school district of its actions and inform them of their options regarding such restricted exemptions.

12. Notwithstanding subdivision two of this section, where a county, city, town, village or school district adopts restricted exemptions pursuant to subdivision ten of this section, the law or resolution may provide that such exemptions shall be computed pursuant to the following accelerated strategic exemption schedule:

Year of exemption	Percentage of exemption
1	50
2	50
3	50
4	40
5	30
6	20
7	10
8	10
9	10
10	5

Provided however, that such law or resolution shall:

(i) contain findings that the adoption of this accelerated strategic

exemption schedule is necessary to encourage targeted economic development, create or retain permanent private sector jobs, and that the value of the exemptions to be provided is justified by the need to provide employment opportunities and broaden the tax base; and

(ii) limit the applicability of such schedule to projects where the cost of such construction, alteration, installation or improvement exceeds the sum of fifty thousand dollars; and

(iii) provide that such exemptions are restricted by geographic areas and/or groups and major divisions as is provided by subdivision ten of this section.

13. The provisions of this section shall not apply in a city of one million or more persons.

§ 485-c. Exemption from taxation of real property used in manufacture of steel in cities of fifty thousand or more persons. Notwithstanding the provisions of any law to the contrary, blast furnaces, open hearth furnaces, soaking pits and coke ovens which are used in the manufacture of steel, and all tanks, towers and stills which are used in processing gases and liquids produced by such coke ovens owned by a corporation taxable under article nine-A of the tax law and located within a city with a population of fifty thousand or more shall be exempt from taxation.

§ 485-d. Water-works corporations. 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.

§ 485-e. Empire zone exemption. 1. (a) Real property constructed,

altered, installed or improved in an area designated an empire zone pursuant to article eighteen-B of the general municipal law shall be exempt from taxation and special ad valorem levies by any municipal corporation in which located, for the period and to the extent herein provided, provided that the governing board of such municipal corporation, after public hearing, adopts a local law, ordinance or resolution providing therefor.

(b) For exemptions commencing in the first seven years from the date on which the empire zone was designated, the amount of such exemption in any of these years shall be one hundred percent of the "base amount", determined pursuant to subdivision two of this section. In the eighth, ninth and tenth years, the amount of the exemption shall be seventy-five percent, fifty percent, and twenty-five percent, respectively, of such base amount.

(c) For exemptions commencing in the eighth, ninth and tenth years from the date on which the empire zone was designated, the amount of such exemption shall be seventy-five percent, fifty percent and twenty-five percent, respectively, of the "base amount", determined pursuant to subdivision two of this section.

1-a. (a) A municipal corporation may provide in such local law, ordinance or resolution, or in a separate local law, ordinance or resolution adopted after public hearing, that the exemption so authorized shall be for a term of ten years, notwithstanding that the designation of the zone may expire prior to the end of such ten year term. Any such local law, ordinance or resolution shall be applicable only to exemptions commencing on assessment rolls with taxable status dates on or after the effective date of such local law, ordinance or resolution.

(b) Where such local law, ordinance or resolution has been adopted, the amount of such exemption in the first seven years of its term shall be one hundred percent of the "base amount," determined pursuant to subdivision two of this section. The amount of the exemption in the eighth, ninth, and tenth years of its term shall be seventy-five percent, fifty percent and twenty-five percent, respectively, of such base amount.

2. (a) The base amount of the exemption shall be the extent of the increase in assessed value attributable to such construction, alteration, installation or improvement as determined in the initial year for which application for exemption is made pursuant to this section. The base amount shall remain constant for the authorized term of the exemption, subject to the following:

(i) If there is subsequent construction, alteration, installation or improvement during the term of the exemption, the base amount shall be revised to include the increase in assessed value attributable to such construction, alteration, installation or improvement.

(ii) If a change in level of assessment of fifteen percent or more is certified for an assessment roll pursuant to the rules of the commissioner, the base amount shall be adjusted by such change in level of assessment. The exemption on that assessment roll shall thereupon be recomputed, notwithstanding the fact that the assessor receives the certification after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll.

(b) No such exemption shall be granted unless, pursuant to article eighteen-B of the general municipal law:

(1) notice of the designation of the empire zone has been filed with the clerk of the assessing unit by the commissioner on or before the applicable taxable status date;

(2) the construction, alteration, installation or improvement commenced on or after the date the empire zone was designated; and

(3) the designation of the empire zone has not ended and has not been terminated by the commissioner on or before the applicable taxable status date.

(c) For purposes of this section the terms construction, alteration, installation and improvement shall not include ordinary maintenance and repairs.

(d) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such

previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the ten year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. The original of such application shall be filed with the assessor of the assessing unit. Such original application shall be filed on or before the appropriate taxable status date of such assessing unit and no later than one year from the date of completion of such construction, alteration, installation or improvement.

4. If the assessor receives the notice described in subparagraph (b) of subdivision two of this section and an application by the owner of the real property, he shall approve the application and such real property shall thereafter be exempt from taxation as herein provided commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption entered in a separate column.

5. Exemptions existing prior in time to the termination of the designation of an empire zone by the commissioner, or, in the case of a municipal corporation which has adopted a local law, ordinance or resolution pursuant to subdivision one-a of this section, prior in time to the expiration of such designation, shall continue as if the designation of the empire zone had not been terminated, or, if applicable, had not expired; provided, however, that any further increase in the value attributable to construction, alteration, installation or improvement commenced subsequent to the date of termination, or, if applicable, the date of expiration, shall not be

eligible for exemption pursuant to this section.

§ 485-f. Banking development districts. 1. Real property altered, constructed, installed, or improved for use as a branch of a bank, trust company or national bank in an area designated as a banking development district by the superintendent of financial services pursuant to section ninety-six-d of the banking law shall be exempt from taxation and special ad valorem levies by any municipal corporation in which located, for a period of ten years, provided that the governing board of such municipal corporation, after a public hearing, adopts a local law, ordinance, or resolution providing therefor.

2. Where such local law, ordinance, or resolution has been adopted, such real property which is used to establish a branch of a bank, trust company or national bank in a banking development district shall be exempt for a period of one year of fifty per centum of the "exemption base", determined pursuant to subdivision three of this section, and such exemption shall be decreased by five per centum each year during such additional period. A copy of such local law, ordinance, or resolution shall be filed with the commissioner and the assessor of such county, city, town, or village who prepares the assessment roll on which the taxes of such county, city, town, village, or school district are levied.

3. (a) The "exemption base" shall be the extent of the increase in assessed value attributable to such alteration, construction, installation, or improvement as determined in the initial year for which application for exemption is made pursuant to this section, except as provided in subparagraph (ii) of this paragraph.

(i) If there is subsequent alteration, construction, installation, or improvement during the term of the exemption, the exemption base shall be revised to include the increase in assessed value attributable to such alteration, construction, installation, or improvement.

(ii) If in any year a change in level of assessment of fifteen percent or more is certified for an assessment roll pursuant to the rules of the commissioner, the exemption base shall be adjusted by such change in

level or assessment. The exemption on that assessment roll shall thereupon be recomputed, notwithstanding the fact that the assessor receives the certification after the completion, verification, and filing of the final assessment roll. In the event that the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No exemption shall be granted pursuant to this section, unless:

(i) the alteration, construction, installation, or improvement commenced on or after either the date the banking development district was designated by the superintendent of financial services pursuant to section ninety-six-d of the banking law or, if specified in local law, ordinance, or resolution adopted pursuant to subdivision one of this section, the effective date of such local law, resolution or ordinance; and

(ii) the property is located in a banking development district designated by the superintendent of financial services pursuant to section ninety-six-d of the banking law.

(c) For purposes of this section the terms alteration, construction, installation or improvement shall not include ordinary maintenance and repairs.

4. Such exemption shall be granted only upon written application of the owner of such real property on a form prescribed by the state board. The application shall be filed with the assessor of the county, city, town, or village having the power to assess property for taxation on or before the appropriate taxable status date of such county, city, town, or village. Such application shall be filed on or before the appropriate taxable status date of such assessing unit and no later than one year from the date of completion of such alteration, construction, installation, or improvement.

5. If the assessor receives an application by the owner of the real property and is satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as herein provided, commencing with the assessment roll prepared after the taxable status date referred to in subdivision four of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption entered in a separate column.

§ 485-g. Infrastructure exemption. 1. A county, city, town or village may by local law or a school district may by resolution provide that the exemption under this section shall be applicable within its jurisdiction. A copy of such local law or resolution shall be filed with the office of real property services.

2. Residential building lots which are part of a subdivision plat for residential development which includes infrastructure intended to be dedicated to the municipal corporation or a special district thereof in accordance with the provisions of this section shall be exempt from taxation to the extent of the increased assessed value of such lots

resulting from the addition of such infrastructure for a period until the issuance of a certificate of occupancy but in no event longer than three years from granting of the exemption herein, which certifies that a residence is constructed on a building lot in such subdivision. Such exemption shall be the value of the infrastructure proportionately applied to each of the lots in the subdivision. Upon issuance of the certificate of occupancy but in no event longer than three years from granting of the exemption herein, the exemption provided by this subdivision shall lapse.

3. For purposes of this section infrastructure shall be comprised of the following public facilities which are intended to be dedicated to the municipal corporation or a special district thereof: streets, storm and sanitary sewers, drainage facilities and any other facilities required by the municipality to be installed in such residential subdivision as noted on the filed plat plan for such residential subdivision.

4. Such exemption shall be granted only upon application by the owner of the real property on a form prescribed and made available by the office of real property services. The applicant shall file the information as required by the office of real property services. The application shall be filed with the assessor of the appropriate assessing unit. Such application shall be filed on or before the appropriate taxable status date of such assessing unit and not later than one year from the date of completion of such construction, installation or improvement. On approved subdivision lots in which such infrastructure has been completed as of the effective date of the local law or school district resolution providing that the exemption under this section shall be applicable within its jurisdiction and for which a certificate of occupancy has not been issued, application shall be made within one year from the effective date of such local law or school district resolution.

5. If the assessor receives an application by the owner of the real property, and is satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the

application and such real property shall thereafter be exempt from taxation as herein provided commencing with the assessment roll prepared after the taxable status date referred to in subdivision four of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption entered in a separate column.

6. The provisions of this section shall not apply to a city with a population of one million or more.

§ 485-h. Residential investment exemption; certain cities. 1.

Residential real property constructed on or after the first day of July, two thousand three in cities with a population of not less than thirty-one thousand and not more than thirty-two thousand may be exempt from city taxation and special ad valorem levies as provided in this section.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final

assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the city tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of January, two thousand three or such later date as may be specified by local law;

(ii) the residential real property is situate in a city with a population of not less than thirty-one thousand and not more than thirty-two thousand;

(iii) the cost of such construction exceeds the sum of thirty thousand dollars or such greater amount as may be specified by local law; and

(iv) such construction is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the term construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a city with a population of not less than thirty-one thousand and not more than thirty-two thousand on or before the appropriate taxable status date of such city and within one year from the date of completion of such construction.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies by a city with a population of not less than thirty-one thousand and not more than thirty-two thousand as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A city with a population of not less than thirty-one thousand and not more than thirty-two thousand may, by local law, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any such local law shall

not be subject to any such reduction so effected. Such city upon reduction of the per centum of exemption pursuant to this subdivision may thereafter, by local law, increase the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two or eleven of this section, whichever is applicable, provided, however, that any such local law shall apply only to construction commenced subsequent to the effective date of such local law. A copy of all such local laws shall be filed with the commissioner and the assessor of the city.

8. A city with a population of not less than thirty-one thousand and not more than thirty-two thousand may, by local law, establish a date for the commencement of effectiveness of exemption offered pursuant to this section and may provide that the provisions of this section shall apply only to construction having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed seventy thousand dollars.

9. (a) A city with a population of not less than thirty-one thousand and not more than thirty-two thousand may, by local law, establish a board to be known as the residential incentive board. The membership and composition of such board shall be set forth in the local law.

(b) The residential incentive board shall present a plan to the legislative body of a city with a population of not less than thirty-one thousand and not more than thirty-two thousand concerning the various types of residential real property which should be granted eligibility for an exemption pursuant to subdivision one of this section. Such plan shall make a recommendation as to whether the exemption be computed as provided in subdivision two or eleven of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning objectives of a city with a population of not less than thirty-one thousand and not more than thirty-two thousand, the necessity of the exemption to the attraction or retention of home owners and the economic benefit to the area of providing exemptions to home owners.

(c) In addition, the board may make recommendations to the legislative body of a city with a population of not less than thirty-one thousand

and not more than thirty-two thousand with respect to actions it deems desirable to improve the economic climate therein.

10. If a city with a population of not less than thirty-one thousand and not more than thirty-two thousand establishes a residential incentive board, pursuant to subdivision nine of this section, such city may, by local law, restrict real property eligible to receive the exemption to real property constructed for those purposes identified in the plan presented by the board. Such local law shall restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the board.

11. Notwithstanding subdivision two of this section, where a city with a population of not less than thirty-one thousand and not more than thirty-two thousand adopts restricted exemptions pursuant to subdivision ten of this section, the local law may provide that such exemptions shall be computed pursuant to the following accelerated strategic exemption schedule:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

Provided however, that such local law shall:

(i) contain findings that the adoption of this accelerated strategic exemption schedule is necessary to encourage targeted residential development, and that the value of the exemptions to be provided is justified by the need to broaden the tax base; and

(ii) limit the applicability of such schedule to projects where the cost of such construction exceeds the sum of seventy thousand dollars;

and

(iii) provide that such exemptions are restricted by geographic areas as provided by subdivision ten of this section.

*** § 485-i. Residential investment exemption; certain school districts.**

1. Residential real property constructed on or after the first day of July, two thousand three in school districts which serve a city with a population of not less than thirty-one thousand and not more than thirty-two thousand may be exempt from school district taxation as provided in this section.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the

local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the school district tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of January, two thousand three or such later date as may be specified by resolution;

(ii) the residential real property is situate in a school district which serves a city with a population of not less than thirty-one thousand and not more than thirty-two thousand;

(iii) the cost of such construction exceeds the sum of thirty thousand dollars or such greater amount as may be specified; and

(iv) such construction is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the term construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner

of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a school district which serves a city with a population of not less than thirty-one thousand and not more than thirty-two thousand on or before the appropriate taxable status date of such school district and within one year from the date of completion of such construction.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation by a school district which serves a city with a population of not less than thirty-one thousand and not more than thirty-two thousand as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A school district which serves a city with a population of not less than thirty-one thousand and not more than thirty-two thousand may, by resolution, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any such resolution shall not be subject to any such reduction so effected. Such school district upon reduction of the per centum of exemption pursuant to this subdivision may thereafter, by resolution, increase the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two or eleven of this section, whichever is applicable, provided, however, that any such resolution shall apply only

to construction commenced subsequent to the effective date of such resolution. A copy of all such resolutions shall be filed with the commissioner and the assessor of the school district.

8. A school district which serves a city with a population of not less than thirty-one thousand and not more than thirty-two thousand may, by resolution, establish a date for the commencement of effectiveness of exemption offered pursuant to this section and may provide that the provisions of this section shall apply only to construction having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed seventy thousand dollars.

9. (a) A school district which serves a city with a population of not less than thirty-one thousand and not more than thirty-two thousand may, by resolution, establish a board to be known as the residential incentive board. The membership and composition of such board shall be set forth in the resolution.

(b) The residential incentive board shall present a plan to the board of education of a school district which serves a city with a population of not less than thirty-one thousand and not more than thirty-two thousand concerning the various types of residential real property which should be granted eligibility for an exemption pursuant to subdivision one of this section. Such plan shall make a recommendation as to whether the exemption be computed as provided in subdivision two or eleven of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning objectives of a school district which serves a city with a population of not less than thirty-one thousand and not more than thirty-two thousand, the necessity of the exemption to the attraction or retention of home owners and the economic benefit to the area of providing exemptions to home owners.

(c) In addition, the board may make recommendations to the school board of a school district which serves a city with a population of not less than thirty-one thousand and not more than thirty-two thousand with respect to actions it deems desirable to improve the economic climate

therein.

10. If a school district which serves a city with a population of not less than thirty-one thousand and not more than thirty-two thousand establishes a residential incentive board, pursuant to subdivision nine of this section, such school district may, by resolution, restrict real property eligible to receive the exemption to real property constructed for those purposes identified in the plan presented by the board. Such resolution shall restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the board.

11. Notwithstanding subdivision two of this section, where a school district which serves a city with a population of not less than thirty-one thousand and not more than thirty-two thousand adopts restricted exemptions pursuant to subdivision ten of this section, the resolution may provide that such exemptions shall be computed pursuant to the following accelerated strategic exemption schedule:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

Provided however, that such resolution shall:

(i) contain findings that the adoption of this accelerated strategic exemption schedule is necessary to encourage targeted residential development, and that the value of the exemptions to be provided is justified by the need to broaden the tax base; and

(ii) limit the applicability of such schedule to projects where the cost of such construction exceeds the sum of seventy thousand dollars; and

(iii) provide that such exemptions are restricted by geographic areas as provided by subdivision ten of this section.

* NB There are 2 § 485-i's

*** § 485-i. Residential investment exemption; certain cities. 1.**

Residential real property constructed on or after the first day of April, two thousand four in cities with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census may be exempt from city taxation and special ad valorem levies as provided in this section.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the

local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the city tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of April, two thousand four or such later date as may be specified by local law;

(ii) the residential real property is situate in a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census;

(iii) the cost of such construction exceeds the sum of seventy thousand dollars or such greater amount as may be specified by local law; and

(iv) such construction is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the term construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census on or before the appropriate taxable status date of such city and within one year from the date of completion of such construction.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies by a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census may, by local law, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any such local law shall not be subject to any such reduction so effected. Such city upon reduction of the per centum of exemption pursuant to this subdivision may thereafter, by local law, increase the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two of this section, provided, however, that any

such local law shall apply only to construction commenced subsequent to the effective date of such local law. A copy of all such local laws shall be filed with the commissioner and the assessor of the city.

8. A city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census may, by local law, establish a date for the commencement of effectiveness of exemption offered pursuant to this section and may provide that the provisions of this section shall apply only to construction having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed three hundred fifty thousand dollars.

9. (a) A city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census may, by local law, establish a board to be known as the residential incentive board. The membership and composition of such board shall be set forth in the local law.

(b) The residential incentive board shall present a plan to the legislative body of a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census concerning the various types of residential real property which should be granted eligibility for an exemption pursuant to subdivision one of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning objectives of a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census, the necessity of the exemption to the attraction or retention of home owners and the economic benefit to the area of providing exemptions to home owners.

(c) In addition, the board may make recommendations to the legislative body of a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census with respect to actions it deems desirable to improve the economic climate therein.

10. If a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census establishes a residential incentive board, pursuant to subdivision nine of this section, such city may, by local law, restrict real property eligible to receive the exemption to real property constructed for those purposes identified in the plan presented by the board. Such local law shall restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the board.

11. Any city which adopts an exemption pursuant to this section shall cause information relating to the availability of such exemption, including requirements and application procedures, to be attached to all building permit applications and copies of such information shall be posted in a conspicuous location in any office or offices where such permits and applications for permits are issued and processed.

* NB There are 2 § 485-i's

*** § 485-j. Residential property improvement exemption; certain cities.**

1. Construction of improvements to residential real property initiated on or after the first day of January, two thousand six in the cities with a population of not less than one hundred thirty thousand and not more than one hundred sixty thousand may be exempt from city and school taxation as provided in this section.

2. (a)(i) Such real property shall be exempt for a period of one year to the extent of one hundred per centum of the increase in assessed value thereof attributable to such construction and for an additional period of four years provided, however, that the extent of such exemption shall be decreased by twenty per centum each year during such additional period of four years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value due to improvements as determined by the assessor in the initial year of such five year period following the filing of an original application.

(ii) The following table shall illustrate the computation of the city tax exemption:

Year of exemption	Percentage of exemption
1	100
2	80
3	60
4	40
5	20

(iii) Exemptions granted pursuant to this section shall apply to real property taxes imposed for both city and school district purposes.

(b) No such exemption shall be granted unless: (i) such construction of improvements was commenced on or after the first day of January two thousand six or such later date as may be specified by local law;

(ii) the residential real property is situate in a city with a population of not less than one hundred thirty thousand and not more than one hundred sixty thousand;

(iii) the value of such construction exceeds the sum of ten thousand dollars; and

(iv) such construction is documented by a building permit, if required, for the improvements, or other appropriate documentation as required by the assessor.

(c) For purposes of this section the term "construction of improvements" shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a city with a population of not less than one hundred thirty thousand and not more than one hundred sixty thousand on or before the appropriate taxable status date of such city and within one year from the date of completion of such construction of improvements.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies by a city with a population of not less than one hundred thirty thousand and not more than one hundred

sixty thousand as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

6. A city with a population of not less than one hundred thirty thousand and not more than one hundred sixty thousand may, by local law, establish a date for the commencement of effectiveness of the exemption offered pursuant to this section. A copy of all such local laws shall be filed with the commissioner and the assessor of the city.

* NB There are 5 § 485-j's

*** § 485-j. Residential investment exemption; certain cities. 1.**

Residential real property constructed on or after the first day of July, two thousand six in cities with a population of not less than eighteen thousand and not more than eighteen thousand five hundred based upon the two thousand federal census may be exempt from city taxation and special ad valorem levies as provided in this section.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen

percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the city tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of

April, two thousand six or such later date as may be specified by local law;

(ii) the residential real property is situate in a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred based upon the two thousand federal census;

(iii) the cost of such construction exceeds the sum of seventy thousand dollars or such greater amount as may be specified by local law; and

(iv) such construction is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the term construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred based upon the two thousand federal census on or before the appropriate taxable status date of such city and within one year from the date of completion of such construction.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies by a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred based upon the two thousand federal census as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred based upon the two thousand federal census may, by local law, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any such local law shall not be subject to any such reduction so effected. Such city upon reduction of the per centum of exemption pursuant to this subdivision may thereafter, by local law, increase the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two of this section, provided, however, that any such local law shall apply only to construction commenced subsequent to the effective date of such local law. A copy of all such local laws shall be filed with the commissioner and the assessor of the city.

8. A city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred based upon the two thousand federal census may, by local law, establish a date for the commencement of effectiveness of exemption offered pursuant to this section and may provide that the provisions of this section shall apply only to construction having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed three hundred fifty thousand dollars.

9. (a) A city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred based upon the two thousand federal census may, by local law, establish a board to be known as the residential incentive board. The membership and composition of such board shall be set forth in the local law.

(b) The residential incentive board shall present a plan to the legislative body of a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred based upon the two thousand federal census concerning the various types of residential

real property which should be granted eligibility for an exemption pursuant to subdivision one of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning objectives of a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred based upon the two thousand federal census, the necessity of the exemption to the attraction or retention of home owners and the economic benefit to the area of providing exemptions to home owners.

(c) In addition, the board may make recommendations to the legislative body of a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred based upon the two thousand federal census with respect to actions it deems desirable to improve the economic climate therein.

10. If a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred based upon the two thousand federal census establishes a residential incentive board, pursuant to subdivision nine of this section, such city may, by local law, restrict real property eligible to receive the exemption to real property constructed for those purposes identified in the plan presented by the board. Such local law shall restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the board.

11. Any city which adopts an exemption pursuant to this section shall cause information relating to the availability of such exemption, including requirements and application procedures, to be attached to all building permit applications and copies of such information shall be posted in a conspicuous location in any office or offices where such permits and applications for permits are issued and processed.

* NB There are 5 § 485-j's

*** § 485-j. Residential investment exemption; certain cities and school districts.** 1. Residential real property constructed on or after the

first day of July, two thousand five located in a city or a school district which serves a city with a population of not less than thirteen thousand one hundred twenty-one and not more than thirteen thousand one hundred forty-one, based upon the two thousand federal census, may be exempt from city and school district taxation as provided in this section.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed

incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the city and school district tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of January, two thousand five or such later date as may be specified by resolution;

(ii) the residential real property is situate in a city, or a school district which serves a city, with a population of not less than thirteen thousand one hundred twenty-one and not more than thirteen thousand one hundred forty-one, based upon the two thousand federal census;

(iii) the cost of such construction exceeds the sum of thirty thousand dollars or such greater amount as may be specified; and

(iv) such construction is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the term construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a city with a population of not less than thirteen thousand one hundred twenty-one and not more

than thirteen thousand one hundred forty-one, based upon the two thousand federal census, or with the local assessor if such property is located in a school district which serves such city, but is not located within such city, on or before the appropriate taxable status date of such city and within one year from the date of completion of such construction.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation by a city with a population of not less than thirteen thousand one hundred twenty-one and not more than thirteen thousand one hundred forty-one, based upon the two thousand federal census, and by any school district which serves such city as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A city with a population of not less than thirteen thousand one hundred twenty-one and not more than thirteen thousand one hundred forty-one, based upon the two thousand federal census, may, by local law, and any school district which serves such city, may, by resolution, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any such resolution shall not be subject to any such reduction so effected. Such city or school district, upon reduction of the per centum of exemption pursuant to this subdivision, may thereafter by local law or resolution, increase

the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two of this section, provided, however, that any such resolution shall apply only to construction commenced subsequent to the effective date of such resolution. A copy of all such resolutions shall be filed with the commissioner and the assessor of the city, and to the assessor of any locality containing real property to which the provisions of this section may apply.

8. A city with a population of not less than thirteen thousand one hundred twenty-one and not more than thirteen thousand one hundred forty-one, based upon the two thousand federal census, may, by local law, and any school district which serves such city, may, by resolution, establish a date for the commencement of effectiveness of exemption offered pursuant to this section and may provide that the provisions of this section shall apply only to construction having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed seventy thousand dollars.

9. (a) A city with a population of not less than thirteen thousand one hundred twenty-one and not more than thirteen thousand one hundred forty-one, based upon the two thousand federal census, may, by local law, establish a board to be known as the residential incentive board. The membership and composition of such board shall be set forth in the local law.

(b) The residential incentive board shall present a plan to the city council of a city with a population of not less than thirteen thousand one hundred twenty-one and not more than thirteen thousand one hundred forty-one, based upon the two thousand federal census, concerning the various types of residential real property which should be granted eligibility for an exemption pursuant to subdivision one of this section. The exemption shall be computed as provided in subdivision two of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning objectives of the school district which serves such city, and the necessity of the exemption to the attraction or retention of home owners and the economic benefit to the area of providing exemptions

to home owners.

(c) In addition, the board may make recommendations to the city council of a city with a population of not less than thirteen thousand one hundred twenty-one and not more than thirteen thousand one hundred forty-one, based upon the two thousand federal census, with respect to actions it deems desirable to improve the economic climate therein.

10. If a city with a population of not less than thirteen thousand one hundred twenty-one and not more than thirteen thousand one hundred forty-one, based upon the two thousand federal census, establishes a residential incentive board, pursuant to subdivision nine of this section, such city may, by local law, restrict real property eligible to receive the exemption to real property constructed for those purposes identified in the plan presented by the board. Such local law shall restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the board.

* NB There are 5 § 485-j's

*** § 485-j. Residential investment exemption; certain cities. 1.**

Residential real property constructed on or after the first day of April, two thousand six in cities with a population of not less than fifty-five thousand and not more than fifty-six thousand based upon the two thousand federal census may be exempt from city taxation and special ad valorem levies as provided in this section.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen

percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the city tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of

April, two thousand six or such later date as may be specified by local law;

(ii) the residential real property is situate in a city with a population of not less than fifty-five thousand and not more than fifty-six thousand based upon the two thousand federal census;

(iii) the cost of such construction exceeds the sum of seventy thousand dollars or such greater amount as may be specified by local law; and

(iv) such construction is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the term construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a city with a population of not less than fifty-five thousand and not more than fifty-six thousand based upon the two thousand federal census on or before the appropriate taxable status date of such city and within one year from the date of completion of such construction.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies by a city with a population of not less than fifty-five thousand and not more than fifty-six thousand based upon the two thousand federal census as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A city with a population of not less than fifty-five thousand and not more than fifty-six thousand based upon the two thousand federal census may, by local law, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any such local law shall not be subject to any such reduction so effected. Such city upon reduction of the per centum of exemption pursuant to this subdivision may thereafter, by local law, increase the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two of this section, provided, however, that any such local law shall apply only to construction commenced subsequent to the effective date of such local law. A copy of all such local laws shall be filed with the commissioner and the assessor of the city.

8. A city with a population of not less than fifty-five thousand and not more than fifty-six thousand based upon the two thousand federal census may, by local law, establish a date for the commencement of effectiveness of exemption offered pursuant to this section and may provide that the provisions of this section shall apply only to construction having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed three hundred fifty thousand dollars.

9. (a) A city with a population of not less than fifty-five thousand and not more than fifty-six thousand based upon the two thousand federal census may, by local law, establish a board to be known as the residential incentive board. The membership and composition of such board shall be set forth in the local law.

(b) The residential incentive board shall present a plan to the legislative body of a city with a population of not less than fifty-five thousand and not more than fifty-six thousand based upon the two thousand federal census concerning the various types of residential real property which should be granted eligibility for an exemption pursuant

to subdivision one of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning objectives of a city with a population of not less than fifty-five thousand and not more than fifty-six thousand based upon the two thousand federal census, the necessity of the exemption to the attraction or retention of home owners and the economic benefit to the area of providing exemptions to home owners.

(c) In addition, the board may make recommendations to the legislative body of a city with a population of not less than fifty-five thousand and not more than fifty-six thousand based upon the two thousand federal census with respect to actions it deems desirable to improve the economic climate therein.

10. If a city with a population of not less than fifty-five thousand and not more than fifty-six thousand based upon the two thousand federal census establishes a residential incentive board, pursuant to subdivision nine of this section, such city may, by local law, restrict real property eligible to receive the exemption to real property constructed for those purposes identified in the plan presented by the board. Such local law shall restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the board.

11. Any city which adopts an exemption pursuant to this section shall cause information relating to the availability of such exemption, including requirements and application procedures, to be attached to all building permit applications and copies of such information shall be posted in a conspicuous location in any office or offices where such permits and applications for permits are issued and processed.

* NB There are 5 § 485-j's

*** § 485-j. Residential investment exemption; certain cities. 1.** Residential real property constructed on or after the first day of January, two thousand five in cities with a population of not less than sixty thousand six hundred and not more than sixty-one thousand based

upon the two thousand federal census may be exempt from city taxation and special ad valorem levies as provided in this section.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the city

tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of January, two thousand five or such later date as may be specified by local law;

(ii) the residential real property is situate in a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand based upon the two thousand federal census;

(iii) the cost of such construction exceeds the sum of sixty thousand dollars or such greater amount as may be specified by local law; and

(iv) such construction is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the term construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand based upon the two thousand federal census on or before the appropriate taxable status date of such city and within one year from the date of completion of such construction.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the

application and such real property shall thereafter be exempt from taxation and special ad valorem levies by a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand based upon the two thousand federal census as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand based upon the two thousand federal census may, by local law, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any such local law shall not be subject to any such reduction so effected. Such city upon reduction of the per centum of exemption pursuant to this subdivision may thereafter, by local law, increase the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two of this section, provided, however, that any such local law shall apply only to construction commenced subsequent to the effective date of such local law. A copy of all such local laws shall be filed with the commissioner and the assessor of the city.

8. A city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand based upon the two thousand federal census may, by local law, establish a date for the commencement of effectiveness of exemption offered pursuant to this section and may provide that the provisions of this section shall apply only to

construction having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed three hundred twenty-five thousand dollars.

9. (a) A city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand based upon the two thousand federal census may, by local law, establish a board to be known as the residential incentive board. The membership and composition of such board shall be set forth in the local law.

(b) The residential incentive board shall present a plan to the legislative body of a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand based upon the two thousand federal census concerning the various types of residential real property which should be granted eligibility for an exemption pursuant to subdivision one of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning objectives of a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand based upon the two thousand federal census, the necessity of the exemption to the attraction or retention of home owners and the economic benefit to the area of providing exemptions to home owners.

(c) In addition, the board may make recommendations to the legislative body of a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand based upon the two thousand federal census with respect to actions it deems desirable to improve the economic climate therein.

10. If a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand based upon the two thousand federal census establishes a residential incentive board, pursuant to subdivision nine of this section, such city may, by local law, restrict real property eligible to receive the exemption to real property constructed for those purposes identified in the plan presented by the board. Such local law shall restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the

board.

11. Any city which adopts an exemption pursuant to this section shall cause information relating to the availability of such exemption, including requirements and application procedures, to be attached to all building permit applications and copies of such information shall be posted in a conspicuous location in any office or offices where such permits and applications for permits are issued and processed.

* NB There are 5 § 485-j's

§ 485-k. Residential investment exemption; certain school districts.

1. Residential real property constructed on or after the first day of January, two thousand five in school districts which serve a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand may be exempt from school district taxation as provided in this section.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The

exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the school district tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of January, two thousand five or such later date as may be specified by resolution;

(ii) the residential real property is situate in a school district which serves a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand;

(iii) the cost of such construction exceeds the sum of sixty thousand dollars or such greater amount as may be specified; and

(iv) such construction is completed as may be evidenced by a

certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the term construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a school district which serves a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand on or before the appropriate taxable status date of such school district and within one year from the date of completion of such construction.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation by a school district which serves a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A school district which serves a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand may, by resolution, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any

such resolution shall not be subject to any such reduction so effected. Such school district upon reduction of the per centum of exemption pursuant to this subdivision may thereafter, by resolution, increase the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two of this section, whichever is applicable, provided, however, that any such resolution shall apply only to construction commenced subsequent to the effective date of such resolution. A copy of all such resolutions shall be filed with the commissioner and the assessor of the school district.

8. A school district which serves a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand may, by resolution, establish a date for the commencement of effectiveness of exemption offered pursuant to this section and may provide that the provisions of this section shall apply only to construction having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed three hundred twenty-five thousand dollars.

9. (a) A school district which serves a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand may, by resolution, establish a board to be known as the residential incentive board. The membership and composition of such board shall be set forth in the resolution.

(b) The residential incentive board shall present a plan to the board of education of a school district which serves a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand concerning the various types of residential real property which should be granted eligibility for an exemption pursuant to subdivision one of this section. Such plan shall make a recommendation as to whether the exemption be computed as provided in subdivision two of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning objectives of a school district which serves a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand, the necessity of the exemption to the attraction or retention

of home owners and the economic benefit to the area of providing exemptions to home owners.

(c) In addition, the board may make recommendations to the school board of a school district which serves a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand with respect to actions it deems desirable to improve the economic climate therein.

10. If a school district which serves a city with a population of not less than sixty thousand six hundred and not more than sixty-one thousand establishes a residential incentive board, pursuant to subdivision nine of this section, such school district may, by resolution, restrict real property eligible to receive the exemption to real property constructed for those purposes identified in the plan presented by the board. Such resolution shall restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the board.

*** § 485-1. Residential property improvement; certain towns. 1.**

Construction of improvements to residential real property initiated on or after the first day of January, two thousand seven in towns with a population of not less than one hundred thousand and not more than one hundred twenty-five thousand in counties with a population of not less than nine hundred fifty thousand and not more than nine hundred seventy-five thousand may be exempt from county, city, town, village or school district taxation as provided in this section.

2. (a)(i) Such real property shall be exempt for a period of one year to the extent of one hundred per centum of the increase in the assessed value thereof attributable to such construction and for an additional period of four years provided, however, that the extent of such exemption shall be decreased by twenty per centum each year during such additional period of four years and such exemption shall be computed with respect to the "exemption base." For purposes of this section, the exemption base shall be the increase in assessed value due to improvements as determined by the assessor in the initial year of such

five year period following the filing of an original application.

(ii) The following table illustrates the computation of the tax exemption:

Year of Exemption	Percentage of the Exemption
1	100
2	80
3	60
4	40
5	20

(b) In addition to the criteria set out in subdivision one of this section, no exemption shall be granted unless: (i) The value of the construction exceeds ten thousand dollars;

(ii) The construction is documented by a building permit, if required for such improvements, or other appropriate documentation as required by the assessor; and

(iii) Such construction takes place on a one or two-family residential dwelling where the assessor has previously reduced the assessment of the dwelling because of a decrease in value attributed by the assessor to physical damage to the dwelling resulting from soil subsidence; and

(iv) The extent of such repairs eligible for the exemption shall be limited to such construction upon a one or two-family residential dwelling where the assessor has previously reduced the assessment of the dwelling because of a decrease in value attributed by the assessor to physical damage to the dwelling resulting from soil subsidence.

(c) For purposes of this section, "improvements" shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted upon application by the owner of such real property upon a form prescribed by the commissioner. The application shall be filed with the assessor of the town on or before the taxable status date for that town and within one year from the date of completion of the improvements.

4. If the assessor is satisfied that the applicant is entitled to the exemption pursuant to this section, the assessor shall approve the application and the real property shall thereafter be exempt from taxation and special ad valorem taxes by a town as provided by this

section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. During the term of the exemption granted pursuant to this section if title to the real property granted an exemption pursuant to this section is transferred or if the property ceases to be used for eligible purposes, the exemption granted pursuant to this section shall cease.

6. A town with a population of not less than one hundred thousand and not more than one hundred twenty-five thousand in a county with a population of not less than nine hundred fifty thousand and not more than nine hundred seventy-five thousand may, by local law, establish a date for the commencement of effectiveness of the exemption offered pursuant to this section. A copy of the local laws shall be filed with the commissioner, the assessor of the town, the clerk of the town, and the secretary of state.

* NB There are 2 § 485-1's

*** § 485-1. Residential investment exemption; certain school districts.**

1. Residential real property constructed on or after the first day of July, two thousand seven in school districts which serve a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred may be exempt from school district taxation as provided in this section, provided that the governing board of such school district after a public hearing adopts a resolution providing therefor.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the

"exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the school district tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20

8	15
9	10
10	5

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of July, two thousand seven or such later date as may be specified by resolution;

(ii) the residential real property is situate in a school district which serves a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred;

(iii) the cost of such construction exceeds the sum of seventy thousand dollars or such greater amount as may be specified; and

(iv) such construction is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the term construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the appropriate assessor within the school district which serves a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred on or before the appropriate taxable status date of such school district and within one year from the date of completion of such construction.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation by a school district which serves a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A school district which serves a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred may, by resolution, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any such resolution shall not be subject to any such reduction so effected. Such school district upon reduction of the per centum of exemption pursuant to this subdivision may thereafter, by resolution, increase the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two of this section, provided, however, that any such resolution shall apply only to construction commenced subsequent to the effective date of such resolution. A copy of all such resolutions shall be filed with the commissioner and the assessor of the school district.

8. A school district which serves a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred may, by resolution, establish a date for the commencement of effectiveness of exemption offered pursuant to this section and may provide that the provisions of this section shall apply only to construction having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed three hundred fifty thousand dollars.

9. (a) A school district which serves a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred may, by resolution, establish a board to be known as the residential incentive board. The membership and composition of such board shall be set forth in the resolution.

(b) The residential incentive board shall present a plan to the board

of education of a school district which serves a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred concerning the various types of residential real property which should be granted eligibility for an exemption pursuant to subdivision one of this section. Such plan shall make a recommendation as to whether the exemption be computed as provided in subdivision two of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning objectives of a school district which serves a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred, the necessity of the exemption to the attraction or retention of home owners and the economic benefit to the area of providing exemptions to home owners.

(c) In addition, the board may make recommendations to the school board of a school district which serves a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred with respect to actions it deems desirable to improve the economic climate therein.

10. If a school district which serves a city with a population of not less than eighteen thousand and not more than eighteen thousand five hundred establishes a residential incentive board pursuant to subdivision nine of this section, such school district may, by resolution, restrict real property eligible to receive the exemption to real property constructed for those purposes identified in the plan presented by the board. Such resolution shall restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the board.

11. Any school district which adopts an exemption pursuant to this section shall cause information relating to the availability of such exemption, including requirements and application procedures, to be forwarded to each municipality which issues building permit applications in which it is available and copies of such information shall be posted in a conspicuous location in the office or offices where such permits and applications are issued and processed.

* NB There are 2 § 485-l's

§ 485-m. Residential investment exemption; certain school districts.

1. Residential real property constructed on or after the first day of January, two thousand eight in school districts which serve a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census may be exempt from school district taxation as provided in this section.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed

exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the school district tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of January, two thousand eight or such later date as may be specified by resolution;

(ii) the residential real property is situate in a school district which serves a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census;

(iii) the cost of such construction exceeds the sum of seventy thousand dollars or such greater amount as may be specified; and

(iv) such construction is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the term construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such

application shall be filed with the assessor of a school district which serves a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census on or before the appropriate taxable status date of such school district and within one year from the date of completion of such construction.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation by a school district which serves a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A school district which serves a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census may, by resolution, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any such resolution shall not be subject to any such reduction so effected. Such school district upon reduction of the per centum of exemption pursuant to this subdivision may thereafter, by resolution, increase the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two or eleven of this section, whichever is applicable,

provided, however, that any such resolution shall apply only to construction commenced subsequent to the effective date of such resolution. A copy of all such resolutions shall be filed with the commissioner and the assessor of the school district.

8. A school district which serves a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census by resolution, establish a date for the commencement of effectiveness of exemption offered pursuant to this section and may provide that the provisions of this section shall apply only to construction having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed three hundred fifty thousand dollars.

9. (a) A school district which serves a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census may, by resolution, establish a board to be known as the residential incentive board. The membership and composition of such board shall be set forth in the resolution.

(b) The residential incentive board shall present a plan to the board of education of a school district which serves a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census concerning the various types of residential real property which should be granted eligibility for an exemption pursuant to subdivision one of this section. Such plan shall make a recommendation as to whether the exemption be computed as provided in subdivision two of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning objectives of a school district which serves a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census, the necessity of the exemption to the attraction or retention of home owners and the economic benefit to the area of providing exemptions to home owners.

(c) In addition, the board may make recommendations to the school board of a school district which serves a city with a population of not

less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census with respect to actions it deems desirable to improve the economic climate therein.

10. If a school district which serves a city with a population of not less than thirty-four thousand and not more than thirty-five thousand based upon the two thousand federal census establishes a residential incentive board, pursuant to subdivision nine of this section, such school district may, by resolution, restrict real property eligible to receive the exemption to real property constructed for those purposes identified in the plan presented by the board. Such resolution shall restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the board.

11. Any school district which adopts an exemption pursuant to this section shall cause information relating to the availability of such exemption, including requirements and application procedures, to be attached to all building permit applications and copies of such information shall be posted in a conspicuous location in any office or offices where such permits and applications for permits are issued and processed.

*** § 485-n. Residential-commercial exemption program.** 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Applicant" means any person obligated to pay real property taxes on real property for which an exemption from taxes under this section is sought.

(b) "Benefit area" means the area within a municipality, designated by local law, to which an exemption, established pursuant to this section, applies.

(c) "Commercial construction work" means the modernization, rehabilitation, expansion or other improvement of commercial use property or the portion of mixed-use property to be used for commercial purposes.

(d) "Commercial purpose or use" means the buying, selling or otherwise

providing of goods or services, including hotel services, or other lawful business or commercial activities permitted upon mixed-use property.

(e) "Commercial use property" means real property on which will exist, after completion of commercial construction work, a building used for commercial purposes or use.

(f) "Mixed-use property" means real property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes.

(g) "Municipality" means any town, city, village or other taxing entity located in a county having a population of not less than sixty-five thousand three hundred ninety and not more than sixty-five thousand four hundred as determined by the federal decennial census for the year two thousand ten or in a county having a population of not less than ninety-eight thousand nine hundred and not more than ninety-nine thousand as determined by the federal decennial census for the year two thousand ten.

(h) "Residential construction work" means the creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

2. (a) A municipality, other than a county or school district as provided in this section, may, by local law, provide for the exemption of real property in a designated benefit area from taxation as provided in this section. Subsequent to the adoption of such a local law, the county in which such municipality is located may, by local law, and any school district, all or part of which is located in such municipality, may, by resolution, exempt such property from its taxation in the same manner and to the same extent as such municipality has done.

(b) Such local law shall provide for the appointment of a commercial/mixed use incentive board which shall be responsible for designating the benefit area to be exempt from taxation as provided in this section. The membership and composition of such board shall be set forth in local law. Such board shall present a plan to the local governing body concerning the various types of commercial and/or

mixed-use properties which may be granted an exemption pursuant to this section. In addition such plan shall identify designated benefit areas, within which such exemption may be offered. In developing such plan the commercial/mixed use incentive board shall consider the planning objectives of the municipality and the necessity of the exemption to the attraction of commercial and mixed use development as identified by the municipality and the economic benefit to the area of providing exemptions to commercial and mixed-use properties. In instances where a municipality has previously designed a business district encompassing a defined area which was subject to public input and was approved by and received funding for economic development purposes from a state agency, the municipality may utilize the defined boundaries of such previously defined area, or a combination of such boundaries subject to review by the commercial/mixed-use incentive board.

3. Upon the adoption of such a local law the commercial use property or mixed-use property that was converted, created, modernized, rehabilitated, expanded or otherwise improved, shall be exempt from taxation and special ad valorem levies as provided for in subdivision four of this section.

4. (a) (i) For a period of twelve years following the approval of an application, the increase in assessed value of such property attributable to such conversion, creation, modernization, rehabilitation, expansion or other improvement shall be exempt as provided in subparagraph (ii) of this paragraph. Such exemption shall be computed with respect to the "exemption base". The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value.

(ii) The following shall determine the computation of the tax exemption:

Year of exemption	Percentage of exemption
1 through 8	100% of exemption base
9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

(b) No such exemption shall be granted unless:

(i) such conversion, creation, modernization, rehabilitation, expansion or other improvement was commenced subsequent to the date on which the municipality's local law took effect; and

(ii) the cost of such conversion exceeds the sum of ten thousand dollars or such greater amount as may be specified by local law.

(c) For purposes of this section the term "conversion, creation, modernization, rehabilitation, expansion or other improvement" shall not include ordinary maintenance and repairs.

(d) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the municipality in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

5. Such exemption shall be granted only upon application by the owner of real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of the municipality or county having the power to assess property for taxation on or before the appropriate taxable status date of such municipality or county.

6. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision five of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

* NB Repealed September 23, 2027

§ 485-o. New residential property exemption; certain cities. 1.

Construction of qualified new residential structures or total rehabilitation of qualified vacant residential structures determined to be unoccupied hazards initiated on or after the first day of January, two thousand thirteen in cities with a population of not less than one hundred thirty thousand and not more than one hundred sixty thousand, based upon the two thousand ten federal census may be exempt from city and school taxation as provided in this section.

2. (a) (i) Such qualified residential real property shall be exempt in accordance with the applicable exemption schedules set forth in this subparagraph and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in the assessed value due to qualified improvements as determined in the initial year of the applicable exemption price following the filing of an original application, provided that the application relative to the rehabilitation of a qualified vacant residential structure determined to be an unoccupied hazard shall be pre-approved by the city as provided in this section.

(ii)

Construction of Qualified LEED Certified

New Residential Structures

Percentage of exemption

Year	Certified/Silver	Gold	Platinum
1	100%	100%	100%
2	100%	100%	100%
3	100%	100%	100%
4	100%	100%	100%
5	100%	100%	100%
6	100%	100%	100%
7	100%	100%	100%
8	100%	100%	100%
9	80%	100%	100%
10	60%	80%	100%
11	40%	60%	100%

12	20%	40%	75%
13	0%	20%	50%
14	0%	0%	25%

(iii)

Construction of Qualified New Residential Structure
or Total Rehabilitation of Pre-approved Qualified
Residential Structure Determined To Be An
Unoccupied Hazard

Year	Percentage of exemption
1	100%
2	100%
3	100%
4	100%
5	100%
6	100%
7	100%
8	75%
9	50%
10	25%

(iv) Any application submitted by the property owner for the exemption relative to the rehabilitation of a residential structure determined to be an occupied hazard shall require pre-approval by the assessor of such city and the director of code enforcement which pre-approval shall be in writing and shall certify that the structure to be totally rehabilitated qualifies as an unoccupied hazard. The failure of the applicant to apply or receive such pre-approval for any exemption relative to the total rehabilitation of a qualified residential structure determined to be an unoccupied hazard shall disqualify the subject property from eligibility for any exemption pursuant to this section and the city's local law.

(v) For purposes of eligibility for the total rehabilitation of a residential structure, a qualified residential structure determined to be an unoccupied hazard, an unoccupied hazard shall be defined as any residential building or structure or a substantial part thereof which remains unoccupied for a period of more than one year with either doors, windows, or other openings broken, removed, boarded or sealed up.

(vi) For purposes of eligibility for the construction of a qualified new residential structure, the new residential property must be a one or

two family residence. New residential real property constructed which is greater than a one or two family residence shall in no event be eligible for real property tax exemptions authorized by this section.

(vii) (A) For the purposes of eligibility under a LEED certification standard the term "LEED" shall mean the Leadership in Energy and Environmental Design Building Rating System published by the United States Green Building Council. Such residential real property which is certified under a LEED certification standard which is determined to be for the categories of certified, silver, gold or platinum as meeting green building standards, as determined by a LEED accredited professional shall be exempt as provided in subparagraph (ii) of paragraph (a) of subdivision two of this section for the respective percentages provided that a copy of the certification for a qualified category is filed with the city's commissioner of assessment and the commissioner of assessment approves the application for the applicable category as meeting the requirements of this section and the city's local law.

(B) Construction of a qualified new residential structure which does not meet the certified, silver, gold or platinum standard as determined by the city shall be exempt under subparagraph (iii) of this paragraph provided it meets the applicable requirements of this section and the city's local law.

(viii) Exemptions granted pursuant to this section shall apply to real property taxes imposed for both city and school district purposes.

(b) No such exemption shall be granted unless:

(i) such construction of a qualified new residential real property or the total rehabilitation of a qualified residential structure determined to be an unoccupied hazard commenced on or after the first day of January, two thousand thirteen or such later date as may be specified by local law to qualify for the enhanced exemption;

(ii) the qualified residential real property is situated in a city with a population of not less than one hundred thirty thousand and not more than one hundred sixty thousand based on the two thousand ten federal census;

(iii) the value of such construction exceeds the sum of twenty thousand dollars; and

(iv) such construction is documented by a building permit, if

required, for the improvements, or other appropriate documentation as required by the assessor.

(c) For purposes of this section the term "construction of improvements" shall not include ordinary maintenance and repairs.

3. Such exemption for the construction of a qualified new residential real property shall be granted only upon application by the owner of such real property. Such exemption for a total rehabilitation of a qualified residential structure determined to be an unoccupied hazard shall be granted only upon application by the owner of such real property who has been pre-approved in accordance with the requirements of subparagraph (iv) of paragraph (a) of subdivision two of this section. Such application shall be filed with the assessor of a city with a population of not less than one hundred thirty thousand and not more than one hundred sixty thousand based upon the two thousand ten federal census, on or before the appropriate taxable status date of such city and within one year from the date of completion of such construction of qualified residential structure improvements.

4. If the assessor of such city is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies by a city with a population of not less than one hundred thirty thousand and not more than one hundred sixty thousand based upon the two thousand ten federal census, as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor of such city on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column. In any case where there is an additional partial exemption based on a LEED certification, a copy of such certification shall be filed in the subject real property file.

5. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for purposes as provided in subparagraph (vi) of paragraph (a) of subdivision two of this section

the exemption granted pursuant to this section shall cease.

6. A city with a population of not less than one hundred thirty thousand and not more than one hundred sixty thousand, based upon the two thousand ten federal census may establish by a local law a date for the commencement of effectiveness of the exemption offered pursuant to this section. In addition, such city is authorized to establish procedures in such local law for the elimination of the exemption for an otherwise qualified residential property which is determined by the assessor of such city and the director of code enforcement to have serious code violations, as defined by the city in such local law, at any time subsequent to the approval of the application for real property tax exemption pursuant to this section and which serious code violations have not been corrected and any judgments and/or fines, penalties and costs, if any, have not been paid in accordance with the applicable laws, local law, ordinances, rules and regulations. Notwithstanding the foregoing, the elimination of any such exemption shall take effect on the assessment roll based on the next taxable status date subsequent to the city's determination to eliminate the exemption. A copy of all such local laws shall be filed with the commissioner and the assessor of such city.

*** § 485-p. Economic transformation area exemption.** 1. (a) Real property constructed, altered, installed or improved in an economic transformation area as defined in subdivision ten of section four hundred of the economic development law which is used for business, commercial or industrial purposes and which is owned by a business entity that has been issued a certificate of eligibility pursuant to subdivision three of section four hundred two of the economic development law shall be exempt from taxation and special ad valorem levies by any municipal corporation in which located, for the period and to the extent herein provided, provided that the governing board of such municipal corporation, after public hearing, adopts a local law, ordinance or resolution providing therefore. Such local law, ordinance or resolution must be adopted within three years of the date of the closure of a closed facility (as that term is defined in subdivision

eleven of section four hundred of the economic development law) located in the economic transformation area.

(b) The exemption so authorized shall be for a term of five years. The amount of such exemption shall be as follows:

(i) If the construction, alteration, installation or improvement occurs on or at the site of the closed facility in the economic transformation area, then the exemption in the first year of its term shall be fifty percent of the "base amount," determined pursuant to subdivision two of this section. The amount of the exemption in the second, third, fourth and fifth year of its term shall be forty percent, thirty percent, twenty percent and ten percent, respectively, of such base amount.

(ii) If the construction, alteration, installation or improvement occurs in the economic transformation area outside of the closed facility, then the exemption in the first year of its term shall be twenty-five percent of the "base amount," determined pursuant to subdivision two of this section. The amount of the exemption in the second, third, fourth and fifth year of its term shall be twenty percent, fifteen percent, ten percent and five percent, respectively, of such base amount.

2. (a) The base amount of the exemption shall be the extent of the increase in assessed value attributable to such construction, alteration, installation or improvement as determined in the initial year for which application for exemption is made pursuant to this section. The base amount shall remain constant for the authorized term of the exemption, subject to the following:

(i) If there is subsequent construction, alteration, installation or improvement during the term of the exemption, the base amount shall be revised to include the increase in assessed value attributable to such construction, alteration, installation or improvement.

(ii) If a change in level of assessment of fifteen percent or more is certified for an assessment roll pursuant to the rules of the commissioner, the base amount shall be adjusted by such change in level of assessment. The exemption on that assessment roll shall thereupon be recomputed, notwithstanding the fact that the assessor receives the certification after the completion, verification and filing of the final

assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll.

(b) No such exemption shall be granted unless the construction, alteration, installation or improvement commenced within one year of the date of the issuance of the certificate of eligibility to the property owner.

(c) For purposes of this section the terms construction, alteration, installation and improvement shall not include ordinary maintenance and repairs.

(d) No such exemption shall be granted concurrently with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the five year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. The original of such application shall be filed with the assessor of the assessing unit. Such original application shall be filed on or before the appropriate taxable status date of such assessing unit and no later than one year from the date of completion of such construction, alteration, installation or improvement.

4. If the assessor receives an application by the owner of the real property, he or she shall approve the application and such real property shall thereafter be exempt from taxation as herein provided commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any

exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption entered in a separate column.

* NB Repealed December 31, 2026

§ 485-q. Residential investment exemption; certain cities. 1.

Residential real property constructed on or after the first day of July, two thousand fourteen in cities with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census, may be exempt from city taxation and special ad valorem levies as provided in this section.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the

assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the city tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of January, two thousand fourteen or such later date as may be specified by local law;

(ii) the residential real property is situate in a city with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census;

(iii) the cost of such construction exceeds the sum of thirty thousand dollars or such greater amount as may be specified by local law; and

(iv) such construction is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the term construction shall not

include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a city with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census, on or before the appropriate taxable status date of such city and within one year from the date of completion of such construction.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies by a city with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census, as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

7. A city with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census, may, by local law, reduce the per centum of exemption otherwise allowed pursuant to this section; provided, however, that a project in course of construction and exemptions existing prior in time to passage of any such local law shall not be subject to any such reduction so effected. Such city upon

reduction of the per centum of exemption pursuant to this subdivision may thereafter, by local law, increase the per centum of exemption up to any per centum not exceeding the maximum allowed by subdivision two or eleven of this section, whichever is applicable, provided, however, that any such local law shall apply only to construction commenced subsequent to the effective date of such local law. A copy of all such local laws shall be filed with the commissioner and the assessor of the city.

8. A city with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census, may, by local law, establish a date for the commencement of effectiveness of exemption offered pursuant to this section and may provide that the provisions of this section shall apply only to construction having a greater value than that specified by subdivision two of this section, provided, however, that such amount shall not exceed seventy thousand dollars.

9. (a) A city with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census, may, by local law, establish a board to be known as the residential incentive board. The membership and composition of such board shall be set forth in the local law.

(b) The residential incentive board shall present a plan to the legislative body of a city with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census, concerning the various types of residential real property which should be granted eligibility for an exemption pursuant to subdivision one of this section. Such plan shall make a recommendation as to whether the exemption be computed as provided in subdivision two or eleven of this section. In addition, such plan shall identify specific geographic areas within which such exemptions should be offered. In developing the plan required by this paragraph, the board shall consider the planning objectives of a city with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census, the necessity of the exemption to the

attraction or retention of home owners and the economic benefit to the area of providing exemptions to home owners.

(c) In addition, the board may make recommendations to the legislative body of a city with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census, with respect to actions it deems desirable to improve the economic climate therein.

10. If a city with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census, establishes a residential incentive board, pursuant to subdivision nine of this section, such city may, by local law, restrict real property eligible to receive the exemption to real property constructed for those purposes identified in the plan presented by the board. Such local law shall restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the board.

11. Notwithstanding subdivision two of this section, where a city with a population of not less than thirteen thousand five hundred and not more than fourteen thousand, determined in accordance with the latest decennial census, adopts restricted exemptions pursuant to subdivision ten of this section, the local law may provide that such exemptions shall be computed pursuant to the following accelerated strategic exemption schedule:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

Provided however, that such local law shall:

(i) contain findings that the adoption of this accelerated strategic exemption schedule is necessary to encourage targeted residential development, and that the value of the exemptions to be provided is justified by the need to broaden the tax base; and

(ii) limit the applicability of such schedule to projects where the cost of such construction exceeds the sum of seventy thousand dollars; and

(iii) provide that such exemptions are restricted by geographic areas as provided by subdivision ten of this section.

§ 485-r. Residential redevelopment inhibited property exemption. 1. As used in this section, the following terms shall have the following meanings:

(a) "Redevelopment inhibited property" shall mean a residential property that has been neglected or abandoned because of the local economic conditions and/or conditions on the property that inhibit such property from being redeveloped by the private sector as described in subdivision three of this section. Redevelopment inhibited property shall not include land that is undeveloped.

(b) "Gap financing costs" shall mean the total cost of the property's redevelopment as approved by the city, town, or village minus the increase in the full valuation of the property upon completion of the redevelopment.

(c) "Base assessment" shall mean the assessed value of the property on the day the city, town, or village designates the property as redevelopment inhibited.

(d) "Increased assessment" shall mean the assessed value of the property as determined by the assessor upon completion of the redevelopment.

(e) "Incremental increase in annual property taxes" shall mean the taxes based on the increased assessment minus the taxes based on the base assessment.

2. A city, town, or village may, by local law, provide for the exemption of real property from taxation as provided in this section.

Subsequent to the adoption of such local law, the county in which such city, town, or village is located may after a public hearing and by local law, and any school district, all or part of which is located in such city, town, or village, may, by resolution, exempt such property from its taxation in the same manner and to the same extent as the city, town, or village has done.

3. A local law adopted by a city, town, or village pursuant to subdivision two of this section shall designate any property within such city, town, or village's boundaries as a redevelopment inhibited property if one or more of the following are met:

(a) the city, town, or village has acquired title to the property pursuant to article nineteen-A of the real property actions and proceedings law; or

(b) the property has been continuously vacant for a period of at least three years; or

(c) the county, city, town or village in which the property is located has acquired title to the property via foreclosure for unpaid taxes pursuant to article eleven of this chapter; or

(d) the property has outstanding zoning, housing, or uniform code violations and the cost of remedying the violations exceeds the property's value.

4. (a) Upon the adoption of such local law, redevelopment inhibited property shall be exempt from taxation and special ad valorem levies to the extent of any increase in value attributable to demolition, alteration, rehabilitation, or remediation pursuant to the following requirements:

(i) the demolition, alterations, rehabilitation, and/or remediation shall be permitted by the applicable bureau of inspection such that building or plumbing permits issued and said demolition, alterations, rehabilitation, and/or remediation shall have met all necessary approvals per the applicable New York state uniform fire prevention and building code, the applicable municipal code and the applicable bureau of inspection upon completion; and

(ii) the property for which the exemption is sought shall be a one to four-unit residence and occupied as the primary residence of the owner

or a tenant; and

(iii) the owner of such property shall file annually an affidavit of residency with the assessor of the city, town, or village on or before the appropriate taxable status date, confirming continued occupancy of the property by the owner or a tenant as their primary residence; and

(iv) the redevelopment inhibited property is exempt from taxation and special ad valorem levies attributable to the increased assessment minus the taxes and special ad valorem levies imposed on the base assessment. Such exemption shall not apply to special assessments.

(b) In the event the property granted an exemption pursuant to this section ceases to be occupied as the primary residence of the owner or tenant and/or the affidavit of residency is not filed annually for the approved exemption period, the exemption granted pursuant to this section shall cease.

(c) In the event the property granted an exemption pursuant to this section ceases to be a one to four-unit dwelling, the exemption granted pursuant to this section shall cease.

(d) In the event the owner of the property is convicted of a violation or misdemeanor pursuant to New York state uniform fire prevention and building code or the applicable municipal code, the exemption granted pursuant to this section shall cease.

5. (a) Such redevelopment inhibited property shall be exempt for a period equal to the gap financing costs divided by the incremental increase in annual property taxes resulting from such redevelopment. The exemption period shall be rounded up to the nearest whole number and shall not exceed twenty-five years.

(b) The extent of such exemption shall decrease the last eight years of the exemption period by twelve and one-half percent of the increase in assessment due to the redevelopment equaling a zero percent exemption on the final year of the exemption period.

6. (a) Such exemption shall be granted only upon application by the owner of such building for the residential redevelopment inhibited property exemption, on a form prescribed by the city, town, or village. Such application must be filed with the assessor of the city, town, or village on or before the appropriate taxable status date. The

application must be filed with the assessor of the city, town, or village within three years from the date of completing the demolition, alterations, rehabilitation, and/or remediation.

(b) The owner filing for such exemption shall not be required to be the owner responsible for completing the demolition, alterations, rehabilitation, and/or remediation.

(c) If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, such assessor shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies by the city, town, or village commencing with the assessment roll prepared after the taxable status date referred to in this subdivision. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor of the city, town, or village on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

(d) Once granted, the residential redevelopment inhibited property exemption runs with the land for the exemption period pursuant to this section.

*** § 485-s. Residential reassessment exemption.** 1. Applicability. The governing body of a town with a population of not less than eighty-five thousand persons and not more than ninety-five thousand persons located in a county of not less than nine hundred thirty thousand persons and not more than one million two hundred thousand persons, based upon the latest U.S. census may, after a public hearing, adopt the provisions of this section by local law in the first year of a full value revaluation to provide a residential revaluation exemption. If the governing body passes a local law pursuant to this subdivision, such exemption shall also apply in the same manner and to the same extent to each village, county, special district or school district that levies taxes on the assessment roll prepared by such town. A village within a town that has conducted a revaluation and that chooses to adopt such town's latest final assessment roll is permitted to adopt the provisions of this section within two years of its implementation.

2. Eligibility. (a) The assessor shall, in the first year in which revaluation assessments are to be entered on the assessment roll and for the next succeeding year, apply to each eligible residential property an exemption as provided in subdivision three of this section. For the purpose of this section, to be an "eligible residential property" the following criteria must be met:

(i) The property must be a one-, two-, or three-family residential property, provided that in an approved assessing unit dwelling units held in condominium form of ownership that are classified in the homestead class shall also be eligible;

(ii) The property must be eligible to receive the STAR exemption authorized by section four hundred twenty-five of this title or the owner or owners must be eligible to receive the personal income tax school tax relief (STAR) credit authorized by subsection (eee) of section six hundred six of the tax law, as added by section six of part A of chapter sixty of the laws of two thousand sixteen, for such property.

(iii) In any given year, the owner or owners receiving the exemption pursuant to this section must be the same as the owner or owners that appeared on the assessment roll upon which the revaluation is implemented;

(iv) The property must have a Certificate of Occupancy or a temporary Certificate of Occupancy; and

(v) The property must not have any delinquent taxes as of the taxable status date for the roll on which an exemption is applied.

(b) In addition to the criteria provided in paragraph (a) of this subdivision, the town assessing unit may further limit the eligibility to eligible residential property whose full value increase exceeded a set value threshold as specified in their local law adopting the provisions of this section. If provided by local law, the town assessing unit may elect to grant exemptions to only those properties that do not have building code violations.

3. Exemption calculation. (a)(i) The exemption shall be computed with respect to a percentage of the "exemption base." The exemption base shall be the amount by which the assessed value of a property on the assessment roll upon which the revaluation is implemented exceeds the

prior year's equalized assessed value, as determined in the initial year. The prior year's equalized assessed value shall be determined by applying the applicable change in level of assessment factor to the prior year's assessed value. Such exemption base shall not include increases due to a physical improvement or a removal or reduction of an exemption on property.

(ii) Any increase in the assessment of a property due to physical changes in the year following the implementation roll shall not be eligible for the exemption. In the event that any portion of a parcel is fully or partially removed from the roll during the year following the implementation roll by reason of fire, demolition, destruction or new exemption, the assessor shall reduce the exemption for any remaining portion in the same proportion assessment is reduced for such fire, demolition, destruction or new exemption. If a property's revaluation assessment is reduced pursuant to title one-A of article five, or title one or one-A of article seven of this chapter, the exemption shall be recomputed accordingly.

(b)(i) The exemption shall be to the extent of sixty-six per centum of the exemption base in year one and thirty-three per centum of the exemption base in year two.

(ii) The following table shall illustrate the computation of the exemption:

Year of exemption	Percentage of Exemption
1	66% of exemption base
2	33% of exemption base

4. Granting of exemption. (a) Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor on or before the appropriate taxable status date for the assessment roll upon which the revaluation is implemented.

(b) If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and the taxable assessed value shall be reduced by the exemption, as in this section provided commencing with the assessment roll prepared after the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the

assessor on the assessment roll with the amount of the exemption shown in a separate column.

(c) In the event that the residential property granted an exemption pursuant to this section transfers ownership or otherwise ceases to meet the eligibility requirements of the exemption in subdivision two of this section, the exemption granted pursuant to this section shall be discontinued. Upon determining that an exemption granted pursuant to this section should be discontinued, the assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by section five hundred ten of this chapter.

* NB There are 3 § 485-s's

*** § 485-s. Residential reassessment exemption.** 1. Applicability. The governing body of a town with a population of not less than thirty-seven thousand persons and not more than thirty-eight thousand persons located in a county of not less than nine hundred thirty thousand persons and not more than one million two hundred thousand persons, based upon the latest U.S. census may, after a public hearing, adopt the provisions of this section by local law in the first year of a full value revaluation to provide a residential revaluation exemption. If the governing body passes a local law pursuant to this subdivision, such exemption shall also apply in the same manner and to the same extent to each village, county, special district or school district that levies taxes on the assessment roll prepared by such town. A village within a town that has conducted a revaluation and that chooses to adopt such town's latest final assessment roll is permitted to adopt the provisions of this section within two years of its implementation.

2. Eligibility. (a) The assessor shall, in the first year in which revaluation assessments are to be entered on the assessment roll and for the next succeeding year, apply to each eligible residential property an exemption as provided in subdivision three of this section. For the purpose of this section, to be an "eligible residential property" the following criteria must be met:

(i) The property must be a one-, two-, or three-family residential property, provided that in an approved assessing unit dwelling units

held in condominium form of ownership that are classified in the homestead class shall also be eligible;

(ii) The property must be eligible to receive the STAR exemption authorized by section four hundred twenty-five of this title or the owner or owners must be eligible to receive the personal income tax school tax relief (STAR) credit authorized by subsection (eee) of section six hundred six of the tax law, as added by section six of part A of chapter sixty of the laws of two thousand sixteen, for such property.

(iii) In any given year, the owner or owners receiving the exemption pursuant to this section must be the same as the owner or owners that appeared on the assessment roll upon which the revaluation is implemented;

(iv) The property must have a Certificate of Occupancy or a temporary Certificate of Occupancy; and

(v) The property must not have any delinquent taxes as of the taxable status date for the roll on which an exemption is applied.

(b) In addition to the criteria provided in paragraph (a) of this subdivision, the town assessing unit may further limit the eligibility to eligible residential property whose full value increase exceeded a set value threshold as specified in their local law adopting the provisions of this section. If provided by local law, the town assessing unit may elect to grant exemptions to only those properties that do not have building code violations.

3. Exemption calculation. (a)(i) The exemption shall be computed with respect to a percentage of the "exemption base." The exemption base shall be the amount by which the assessed value of a property on the assessment roll upon which the revaluation is implemented exceeds the prior year's equalized assessed value, as determined in the initial year. The prior year's equalized assessed value shall be determined by applying the applicable change in level of assessment factor to the prior year's assessed value. Such exemption base shall not include increases due to a physical improvement or a removal or reduction of an exemption on property.

(ii) Any increase in the assessment of a property due to physical changes in the year following the implementation roll shall not be

eligible for the exemption. In the event that any portion of a parcel is fully or partially removed from the roll during the year following the implementation roll by reason of fire, demolition, destruction or new exemption, the assessor shall reduce the exemption for any remaining portion in the same proportion assessment is reduced for such fire, demolition, destruction or new exemption. If a property's revaluation assessment is reduced pursuant to title one-A of article five, or title one or one-A of article seven of this chapter, the exemption shall be recomputed accordingly.

(b)(i) The exemption shall be to the extent of sixty-six per centum of the exemption base in year one and thirty-three per centum of the exemption base in year two.

(ii) The following table shall illustrate the computation of the exemption:

Year of exemption	Percentage of Exemption
1	66% of exemption base
2	33% of exemption base

4. Granting of exemption. (a) Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor on or before the appropriate taxable status date for the assessment roll upon which the revaluation is implemented.

(b) If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and the taxable assessed value shall be reduced by the exemption, as in this section provided commencing with the assessment roll prepared after the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the amount of the exemption shown in a separate column.

(c) In the event that the residential property granted an exemption pursuant to this section transfers ownership or otherwise ceases to meet the eligibility requirements of the exemption in subdivision two of this section, the exemption granted pursuant to this section shall be discontinued. Upon determining that an exemption granted pursuant to this section should be discontinued, the assessor shall mail a notice so

stating to the owner or owners thereof at the time and in the manner provided by section five hundred ten of this chapter.

* NB There are 3 § 485-s's

*** § 485-s. Mixed use exemption program for villages.** 1. As used in this section, the following terms shall have the following meanings:

(a) "Applicant" means any person obligated to pay real property taxes on the property for which an exemption from real property taxes under this section is sought.

(b) "Mixed-use property" means property with a building or structure used for both residential and commercial purposes.

(c) "Person" means an individual, corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.

2. Any village with a population greater than five thousand five hundred and less than five thousand six hundred based upon the latest decennial census may, by local law, provide for the exemption of real property from taxation as provided in this section. Upon the adoption of such a local law, the county and town in which such village is located may, by local law, and any school district, all or part of which is located in such village, may, by resolution, exempt such property from its taxation in the same manner and to the same extent as such village has done.

3. Upon the adoption of such a local law, newly constructed mixed-use property, shall be exempt from taxation and special ad valorem levies as provided for in subdivision four of this section.

4. (a) For a period of twenty years from the approval of an application, the increase in assessed value of such property attributable to such construction shall be exempt as provided in paragraph (b) of this subdivision. Such exemption shall be computed with respect to the "exemption base". The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value.

(b) The following table shall illustrate the computation of the tax exemption:

Year of exemption	Percentage of exemption
1-2	90% of exemption base
3	80% of exemption base
4	75% of exemption base
5	70% of exemption base
6	65% of exemption base
7	60% of exemption base
8	55% of exemption base
9	50% of exemption base
10	45% of exemption base
11	40% of exemption base
12	35% of exemption base
13	30% of exemption base
14	25% of exemption base
15	20% of exemption base
16	15% of exemption base
17-18	10% of exemption base
19-20	5% of exemption base

(c) No such exemption shall be granted unless such construction was commenced subsequent to the date on which the village's local law took effect.

(d) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption

pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twenty year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

5. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor on or before the appropriate taxable status date.

6. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision five of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

7. A local law or resolution adopted pursuant to this section may be repealed by the governing body of the applicable village, county, town, or school district, provided that such repeal shall occur at least ninety days prior to the applicable taxable status date and provided further that no such local law or resolution shall repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

* NB There are 3 § 485-s's

§ 485-t. Owner occupied residential property exemption program. 1.

Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Applicant" means any person obligated to pay real property taxes on real property, which he or she owns and upon which he or she resides, or will reside and for which an exemption from taxes under this section is sought.

(b) "Municipality" means any city having a population of not less than thirty-one thousand one hundred forty and not more than thirty-one thousand one hundred fifty as determined by the latest federal decennial census.

(c) "Residential construction work" means (i) the creation, modernization, rehabilitation, expansion or other improvement of single family or two family residential property that is vacant, legally condemned and has outstanding state and local building and fire code violations, where the cost of remedying such violations exceeds the value of such property; or

(ii) the construction of a new single or two family residence of not less than one thousand two hundred square feet on a parcel upon which a prior structure was demolished.

2. A municipality, may, by local law, provide for the exemption of owner occupied residential property, which has been subject to residential construction work, from taxation as provided in this section. Subsequent to the adoption of such a local law, the county in which such municipality is located may, by local law, and any school district, all or part of which is located in such municipality, may, by resolution, exempt such property from its taxation in the same manner and to the same extent as such municipality has done.

3. Upon the adoption of such a local law the owner occupied residential property that was created, modernized, rehabilitated, expanded or otherwise improved, shall be exempt from taxation and special ad valorem levies as provided for in subdivision four of this section.

4. (a) (i) For a period of eleven years following the approval of an application, the increase in assessed value of such property attributable to such creation, modernization, rehabilitation, expansion or other improvement shall be exempt as provided in subparagraph (ii) of this paragraph. Such exemption shall be computed with respect to the "exemption base". The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value.

(ii) The following shall determine the computation of the tax exemption:

Year of exemption	Percentage of exemption
1 through 3	100% of exemption base
4 through 5	80% of exemption base
6 through 7	60% of exemption base
8 through 9	40% of exemption base
10 through 11	20% of exemption base

(b) No such exemption shall be granted unless:

(i) such creation, modernization, rehabilitation, expansion or other improvement was commenced subsequent to the date on which the municipality's local law took effect;

(ii) the cost of such creation, modernization, rehabilitation, expansion or other improvement exceeds the sum of ten thousand dollars or such greater amount as may be specified by local law;

(iii) the building department has issued a certificate of occupancy following the completion of the residential construction work; and

(iv) the property complies with all applicable codes and zoning laws of the city.

(c) For purposes of this section the term "creation, modernization, rehabilitation, expansion or other improvement" shall not include ordinary maintenance and repairs.

(d) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the municipality in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the eleven year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

5. (a) Such exemption shall be granted only upon application by an owner who resides or certifies that he or she will reside on the real property on a form prescribed by the commissioner. Such application

shall be filed with the assessor on or before the appropriate taxable status date.

(b) Such application must include information that discloses the scope of work to be undertaken and shall contain cost estimates and quotes for such work from contractors, plumbers and electricians licensed to do business within the municipality.

(c) The application and the scope of work shall be reviewed by the municipal housing code enforcement officer and the appropriate fire and building code enforcement officer who shall ensure that all proposed work complies with the provisions of the New York state fire prevention and building code and all applicable municipal codes and ordinances.

6. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision five of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

§ 485-u. Class one reassessment exemption. 1. Applicability. A special assessing unit that is not a city may, by local law, opt to provide a class one reassessment exemption as provided in this section. Such exemption shall apply in the same manner and to the same extent to county, town, special district and school district taxes levied on the assessment roll prepared by such special assessing unit.

2. Eligibility. The assessor shall, for the two thousand twenty--two thousand twenty-one final assessment roll and for the subsequent four years, apply an exemption as provided in this section to each property classified in class one pursuant to article eighteen of this chapter.

3. Exemption calculation. (a) (i) The assessor shall calculate the exemption as a percentage of the exemption base. The exemption base

shall be the amount by which the assessment of a property on the two thousand twenty--two-thousand twenty-one tentative assessment roll issued on or about January 2, 2019 exceeds the equalized assessment on the two thousand nineteen--two thousand twenty final assessment roll. The assessor shall determine the equalized assessment on the two thousand nineteen--two thousand twenty final assessment roll by multiplying a property's effective full value on the two thousand nineteen--two thousand twenty final assessment roll by the class one level of assessment on the two thousand twenty--two thousand twenty-one final assessment roll. The assessor shall determine a property's effective full value on the two thousand nineteen--two thousand twenty final assessment roll by dividing the assessment on the two thousand nineteen--two thousand twenty final assessment roll by the class one level of assessment on the two thousand nineteen--two thousand twenty final assessment roll. Such exemption base shall not include assessment increases due to a physical improvement or a removal or reduction of an exemption on property.

(ii) Any increase in the assessment of a property due to an increase in a property's full value or physical changes subsequent to the two thousand twenty--two thousand twenty-one final assessment roll shall not be eligible for the exemption. If any portion of a property is fully or partially removed from the assessment roll subsequent to the two thousand twenty--two thousand twenty-one final assessment roll by reason of fire, demolition, destruction or new exemption, the assessor shall reduce the exemption for any remaining portion in the same proportion the assessment is reduced for such fire, demolition, destruction or new exemption.

(b) The exemption shall be eighty per centum of the exemption base on the two thousand twenty--two thousand twenty-one final assessment roll, sixty per centum of the exemption base on the two thousand twenty-one--two thousand twenty-two final assessment roll, forty per centum of the exemption base on the two thousand twenty-two--two thousand twenty-three final assessment roll, twenty per centum of the exemption base on the two thousand twenty-three--two thousand twenty-four final assessment roll and zero per centum of the exemption base on the two thousand twenty-four--two thousand twenty-five final assessment roll.

4. Entering of exemption on assessment roll. The assessor shall enter in a separate column on the assessment roll the value of any exemption provided by this section.

*** § 485-v. Residential revaluation exemption.** 1. Applicability. The governing body of an assessing unit may, after a public hearing, adopt the provisions of this section by local law in the first year of a full value revaluation to provide a residential revaluation exemption. If the governing body of an assessing unit passes a local law pursuant to this subdivision, such exemption shall also apply in the same manner and to the same extent to each village, county, special district or school district that levies taxes on the assessment roll prepared by such assessing unit. A village assessing unit, within an assessing unit that has conducted a revaluation and that chooses to adopt that assessing unit's latest final assessment roll is permitted to adopt the provisions of this section within two years of its implementation.

2. Eligibility. (a) The assessors in each assessing unit that have adopted the provisions of this section shall, in the first year in which revaluation assessments are to be entered on the assessment roll and for the next succeeding year, apply to each eligible residential property an exemption as provided in subdivision three of this section. For the purpose of this section, to be an "eligible residential property" the following criteria must be met:

(i) The property must be a residential property, provided that dwelling units held in condominium form of ownership shall only be eligible if located in an approved assessing unit and classified in the homestead class or located in a special assessing unit and classified in class one;

(ii) The property must be eligible to receive the STAR exemption authorized by section four hundred twenty-five of this title or the owner or owners must be eligible to receive the personal income tax school tax relief (STAR) credit authorized by subsection (eee) of section six hundred six of the tax law, for such property;

(iii) In any given year, the owner or owners receiving the exemption

pursuant to this section must be the same as the owner or owners that appeared on the assessment roll upon which the revaluation is implemented; and

(iv) The property must not have any delinquent taxes as of the taxable status date for the roll on which an exemption is applied.

(b) In addition to the criteria provided in paragraph (a) of this subdivision, an assessing unit may further limit the eligibility to eligible residential property whose full value increase exceeded a set percentage threshold as specified in their local law adopting the provisions of this section.

3. Exemption calculation. (a)(i) The exemption shall be computed with respect to a percentage of the "exemption base." The exemption base shall be the amount by which the assessed value of a property on the assessment roll upon which the revaluation is implemented exceeds the prior year's equalized assessed value, as determined in the initial year. The prior year's equalized assessed value shall be determined by applying the applicable change in level of assessment factor to the prior year's assessed value. Such exemption base shall not include increases due to a physical improvement or a removal or reduction of an exemption on property.

(ii) Any increase in the assessment of a property due to physical changes in the year following the implementation roll shall not be eligible for the exemption. In the event that any portion of a parcel is fully or partially removed from the roll during the year following the implementation roll by reason of fire, demolition, destruction or new exemption, the assessor shall reduce the exemption for any remaining portion in the same proportion assessment is reduced for such fire, demolition, destruction or new exemption. If a property's revaluation assessment is reduced pursuant to title one-A of article five, or title one or one-A of article seven of this chapter, the exemption shall be recomputed accordingly.

(b)(i) The exemption shall be to the extent of sixty-six per centum of the exemption base in year one and thirty-three per centum of the exemption base in year two.

(ii) The following table shall illustrate the computation of the exemption:

Year of exemption	Percentage of Exemption
1	66% of exemption base
2	33% of exemption base

4. Granting of exemption. (a) Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor on or before the appropriate taxable status date for the assessment roll upon which the revaluation is implemented.

(b) If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and the taxable assessed value shall be reduced by the exemption, as in this section provided commencing with the assessment roll prepared after the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the amount of the exemption shown in a separate column.

(c) In the event that the residential property granted an exemption pursuant to this section transfers ownership or otherwise ceases to meet the eligibility requirements of the exemption in subdivision two of this section, the exemption granted pursuant to this section shall be discontinued. Upon determining that an exemption granted pursuant to this section should be discontinued, the assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by section five hundred ten of this chapter.

* NB There are 2 485-v's

***§ 485-v. Residential and mixed-use investment exemption; certain cities and school districts.** 1. As used in this section: (a) "residential and mixed-use real property" means any structure containing one to four units of which one unit may be for commercial or retail use, and the remaining units shall be for residential use; and

(b) "construction" means the creation, modernization, rehabilitation, expansion or other improvement of any structure but shall not include ordinary maintenance or repairs.

2. Residential and mixed-use real property constructed on or after the first day of July, two thousand twenty-one located in a city with a population of not less than fifty thousand and not more than fifty-one thousand, based upon the two thousand ten federal census, shall be exempt from city, county and school taxation as provided in this section.

3. (a) (i) Such real property shall be exempt for a period of four years to the extent of one hundred per centum of the increase in assessed value thereof attributable to such construction and for an additional period of eleven years provided, however, that the extent of such exemption shall be decreased by twenty-five per centum in year five, ten per centum in each year six through year nine, and five per centum each year during such additional period of six years and such exemption shall be computed with respect to the exemption base. The exemption base shall be the increase in assessed value as determined in the initial year of such fifteen-year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll, excluding any additional value derived from any physical or quantity changes to the parcel since the immediately preceding assessment roll, and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor

shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the city, county and school district tax exemption:

Year of exemption	Percentage of exemption
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1	100%
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2	100%
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3	100%
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4	100%
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5	75%
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6	65%
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7	55%
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8	45%
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9	35%
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10	30%
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11	25%
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12	20%
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13	15%
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14	10%
----	-----

15 5%

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of July, two thousand twenty-one or such later date as may be specified by resolution;

(ii) the residential and mixed-use real property is situated in a city with a population of not less than fifty thousand and not more than fifty-one thousand, based upon the two thousand ten federal census;

(iii) the cost of such construction exceeds the sum of seventy thousand dollars;

(iv) the property is located within the eligibility area, as designated by being located within the following U.S. census tracts:

(A) Tract 401;

(B) Tract 402;

(C) Tract 403;

(D) Tract 404;

(E) Tract 405;

(F) Tract 406;

(G) Tract 409;

(H) Tract 410; and

(v) such construction is completed as evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

4. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a city with a population of not less than fifty thousand and not more than fifty-one thousand, based upon the two thousand ten federal census, on or before the appropriate taxable status date of such city and within one year from the date of completion of such construction.

5. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation by the city, and taxation by the county in which such city is located if such county passes a local law to provide for such exemption,

and taxation by any school district which serves such city if such school district passes a resolution to provide for such exemption. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease to be applied to the property commencing with the immediately following assessment roll.

7. In the event that the real property is sold or the deed is transferred to a new owner or ownership entity differing in ownership or members, the exemption granted pursuant to this section shall cease to be applied to the property commencing on the immediately following assessment roll.

8. The exemption established pursuant to this section shall not apply to special assessments or special ad valorem levies on the property.

* NB There are § 485-v's

*** § 485-w. Newly constructed single-family and multi-family residential exemption; certain villages.** 1. Single-family and multi-family residential properties constructed subsequent to the effective date of a local law adopted pursuant to this section shall be exempt from village taxes to the extent provided in this section. After a public hearing, the governing board of a village with a population greater than three thousand six hundred fifty and less than three thousand six hundred sixty, based upon the latest federal decennial census may, by local law, provide for the exemption of real property from taxation as provided in this section. A copy of such local law shall be filed with the commissioner and the assessor of such municipality who prepares the assessment roll on which the taxes of such municipality are levied.

2. (a)(i) Eligible newly constructed single-family and multi-family

residential property shall be exempt according to the following schedule:

CONSTRUCTION OF SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL PROPERTY

Year of exemption	Exemption
1	25%
2	20%
3	15%
4	10%
5	5%

(ii) Such exemption shall apply solely to the increase in assessed value thereof attributable to the construction of the single-family and multi-family residential property.

(b) No such exemption shall be granted unless:

(i) Such construction occurred on vacant, predominantly vacant or under-utilized land; and

(ii) Such construction commenced on or after the effective date of the local law described in subdivision one of this section, but no later than five years after the effective date of this section.

3. Application for exemption under this section shall be made on a form prescribed by the commissioner and filed with such assessor on or before the applicable taxable status date and within one year from the date of completion of such construction.

4. If such assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. The provisions of this section shall apply to real property used as the primary residence of the owner.

6. A village with a population greater than three thousand six hundred fifty and less than three thousand six hundred sixty, based upon the latest federal decennial census may, by local law, establish a date for the commencement of effectiveness of the exemption offered pursuant to this section and may provide that such amount calculated pursuant to subparagraph (ii) of paragraph (a) of subdivision two of this section shall not exceed three hundred seventy-five thousand dollars per property.

7. A local law adopted pursuant to this section may be repealed by the governing body of the applicable village. In the event of such a repeal, the exemption granted pursuant to this section shall cease.

* NB Repealed August 17, 2032

§ 485-x. Affordable neighborhoods for New Yorkers tax incentive. 1.

Definitions. For purposes of this section:

(a) "Affordability option A" shall mean:

(i) for a large rental project, that, within any eligible site: (A) not less than twenty-five percent of the dwelling units are affordable housing units; (B) the weighted average of all income bands for all of the affordable housing units does not exceed eighty percent of the area median income, adjusted for family size; (C) there are no more than three income bands for all of the affordable housing units; and (D) no income band for affordable housing units exceeds one hundred percent of the area median income, adjusted for family size;

(ii) for a very large rental project, that, within any eligible site: (A) not less than twenty-five percent of the dwelling units are affordable housing units; (B) the weighted average of all income bands for all of the affordable housing units does not exceed sixty percent of the area median income, adjusted for family size; (C) there are no more than three income bands for all of the affordable housing units; and (D) no income band for affordable housing units exceeds one hundred percent of the area median income, adjusted for family size.

(b) "Affordability option B" shall mean that, within any eligible site: (i) not less than twenty percent of the dwelling units are affordable housing units; (ii) the weighted average of all income bands

for all of the affordable housing units does not exceed eighty percent of the area median income, adjusted for family size; (iii) there are no more than three income bands for all of the affordable housing units; and (iv) no income band for affordable housing units exceeds one hundred percent of the area median income, adjusted for family size.

(c) "Affordability option C" shall mean that, within any eligible site, not less than fifty percent of the dwelling units are subject to rent stabilization for the restriction period.

(d) "Affordability option D" shall mean a homeownership project in which one hundred percent of the units shall have an average assessed value per square foot that does not exceed eighty-nine dollars upon the first assessment following the completion date and where each owner of any such unit shall agree, in writing, to maintain such unit as their primary residence for no less than five years from the acquisition of such unit.

(e) "Affordability percentage" shall mean a fraction, the numerator of which is the number of affordable housing units in an eligible site and the denominator of which is the total number of dwelling units in such eligible site.

(f) "Affordable neighborhoods for New Yorkers tax incentive benefits (hereinafter referred to as "ANNY Program benefits")" shall mean the exemption from real property taxation pursuant to this section.

(g) "Affordable housing unit" shall mean a dwelling unit that: (i) is situated within the eligible site for which ANNY Program benefits are granted; and (ii) upon initial rental and upon each subsequent rental following a vacancy during the applicable restriction period, is affordable to and restricted to occupancy by a household whose income does not exceed a prescribed percentage of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(h) "Agency" shall mean the department of housing preservation and development.

(i) "Application" shall mean an application for ANNY Program benefits.

(j) "Building service employee" shall mean any person who is regularly employed at, and performs work in connection with the care or maintenance of, an eligible site, including, but not limited to, a watchperson, guard, doorperson, building cleaner, porter, handyperson,

janitor, gardener, groundskeeper, elevator operator and starter, and window cleaner, but not including persons regularly scheduled to work fewer than eight hours per week at the eligible site.

(k) "Collective bargaining agreement" shall mean an agreement entered into pursuant to section eight-f or section nine-a of the National Labor Relations Act (29 U.S.C. Sections 159(a) and 158(f)) between a contractor or subcontractor and a labor organization setting forth terms and conditions of employment for those construction employees represented by the labor organization and employed by the contractor or subcontractor to perform construction work on an eligible site.

(l) "Commencement date" shall mean, with respect to any eligible multiple dwelling, the date upon which excavation and construction of initial footings and foundations lawfully begins in good faith or, for an eligible conversion, the date upon which the actual construction of the conversion, alteration or improvement of the pre-existing building or structure lawfully begins in good faith.

(m) "Completion date" shall mean, with respect to any eligible multiple dwelling, the date upon which the local department of buildings issues the first temporary or permanent certificate of occupancy covering all residential areas of an eligible multiple dwelling.

(n) "Construction employee" shall mean any person performing construction work who is a laborer, worker, or mechanic.

(o) "Construction period" shall mean, with respect to any eligible multiple dwelling, a period: (i) beginning on the later of the commencement date of such eligible multiple dwelling or three years before the completion date of such eligible multiple dwelling; and (ii) ending on the day preceding the completion date of such eligible multiple dwelling.

(p) "Construction work" shall mean the provision of labor performed on an eligible site between the commencement date and the completion date, whereby materials and constituent parts are combined to initially form, make or build an eligible multiple dwelling, including without limitation, painting, or providing of material, articles, supplies or equipment in the eligible multiple dwelling, but excluding security personnel and work related to the fit-out of commercial spaces.

(q) "Eligible conversion" shall mean the conversion, alteration or improvement of a pre-existing building or structure resulting in a

multiple dwelling in which no more than forty-nine percent of the floor area consists of such pre-existing building or structure.

(r) "Eligible multiple dwelling" shall mean a multiple dwelling or homeownership project containing six or more dwelling units created through new construction or eligible conversion for which the commencement date is after June fifteenth, two thousand twenty-two and on or before June fifteenth, two thousand thirty-four and the completion date is on or before June fifteenth, two thousand thirty-eight.

(s) "Eligible site" shall mean either: (i) a tax lot containing an eligible multiple dwelling; or (ii) a zoning lot containing two or more eligible multiple dwellings that are part of a single application.

(t) "Employee benefits" shall mean all supplemental compensation paid by the employer, on behalf of construction employees, other than wages, including, without limitation, any premiums or contributions made into plans or funds that provide health, welfare, non-occupational disability coverage, retirement, vacation benefits, holiday pay, life insurance and apprenticeship training. The value of any employee benefits received shall be determined based on the prorated hourly cost to the employer of the employee benefits received by construction employees.

(u) "Extended construction period" shall mean, with respect to any very large rental project located in Zone A, a period: (i) beginning on the later of the commencement date of such eligible multiple dwelling or five years before the completion date of such eligible multiple dwelling; and (ii) ending on the day preceding the completion date of such eligible multiple dwelling.

(v) "Fiscal officer" shall mean the comptroller or other analogous officer in a city having a population of one million or more.

(w) "Floor area" shall mean the horizontal areas of the several floors, or any portion thereof, of a dwelling or dwellings, and accessory structures on a lot measured from the exterior faces of exterior walls, or from the center line of party walls.

(x) "Forty year benefit" shall mean: (i) for the construction period or extended construction period, as applicable, a one hundred percent exemption from real property taxation, other than assessments for local improvements; and (ii) for the first forty years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements.

(y) "Homeownership project" shall mean a multiple dwelling operated as condominium or cooperative housing; however, it shall not include a multiple dwelling or portion thereof operated as condominium or cooperative housing located within the borough of Manhattan.

(z) "Hourly wage" shall mean the amount equal to the aggregate amount of wages and employee benefits paid to, or on behalf of, a construction employee for each hour of construction work.

(aa) "Jobsite agreement" shall mean a collective bargaining agreement that only sets forth terms and conditions of employment for construction employees performing construction work under the agreement at one specific eligible site.

(bb) "Large rental project" shall mean an eligible site consisting of one hundred or more residential dwelling units in which all dwelling units included in any application are operated as rental housing.

(cc) "Market unit" shall mean a dwelling unit in an eligible multiple dwelling other than a restricted unit.

(dd) "Marketing band" shall mean maximum rent ranging from twenty percent to thirty percent of the area median income applicable to a specific affordable housing unit.

(ee) "Modest rental project" shall mean an eligible site consisting of more than five and less than one hundred residential dwelling units in which all dwelling units included in any application are operated as rental housing, other than a small rental project.

(ff) "Multiple dwelling" shall have the same meaning set forth in subdivision seven of section four of the multiple dwelling law.

(gg) "Neighborhood tabulation area" shall mean a geographical area defined by the department of city planning for the purposes of providing neighborhood-level data.

(hh) "Non-residential tax lot" shall mean a tax lot that does not contain any dwelling units.

(ii) "Project labor agreement" shall mean a pre-hire collective bargaining agreement between a contractor and a bona fide building and construction trade labor organization establishing the labor organization as the collective bargaining representative for all persons who will perform construction work on an eligible site, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform

construction work on an eligible site.

(jj) "Rent stabilization" shall mean, collectively, the rent stabilization law of nineteen hundred sixty-nine, the rent stabilization code, and the emergency tenant protection act of nineteen seventy-four, all as in effect as of the effective date of the chapter of the laws of two thousand twenty-four that added this section or as amended thereafter, together with any successor statutes or regulations addressing substantially the same subject matter.

(kk) "Rental project" shall mean, collectively, a very large rental project, large rental project, modest rental project, and small rental project.

(ll) "Residential tax lot" shall mean a tax lot that contains dwelling units.

(mm) "Restricted unit" shall mean, individually and collectively: (i) affordable housing units; and (ii) dwelling units that are subject to rent stabilization in accordance with affordability option C.

(nn) "Restriction period" shall mean, notwithstanding any earlier termination or revocation of affordable citywide construction program benefits: (i) with respect to a rental project, a period commencing on the completion date and extending in perpetuity; and (ii) with respect to a homeownership project, a period commencing on the completion date and expiring on the twentieth anniversary of the completion date.

(oo) "Small rental project" shall mean an eligible site consisting of more than five and less than eleven residential dwelling units, located outside the borough of Manhattan on a zoning lot that permits a residential floor area not exceeding twelve-thousand five hundred square feet, in which all dwelling units included in any application are operated as rental housing and that elects to comply with affordability option C.

(pp) "Ten year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first ten years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements.

(qq) "Thirty-five year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first

twenty-five years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; and (iii) for the ten years of the restriction period subsequent to such twenty-five years, (A) with respect to modest rental projects, an exemption from real property taxation, other than assessments for local improvements, equal to the affordability percentage, and (B) with respect to large rental projects, a one hundred percent exemption from real property taxation, other than assessments for local improvements.

(rr) "Twenty year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first fourteen years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements, provided, however, that no exemption shall be given for any portion of the square footage of a unit with an assessed value that exceeds eighty-nine dollars per square foot; and (iii) for the final six years of the restriction period, a twenty-five percent exemption from real property taxation, other than assessments for local improvements, provided, however, that no exemption shall be given for any portion of the square footage of a unit with an assessed value that exceeds eighty-nine dollars per square foot.

(ss) "Very large rental project" shall mean an eligible site located in Zone A or Zone B consisting of one hundred fifty or more residential dwelling units in which all dwelling units included in any application are operated as rental housing.

(tt) "Wages" shall mean all compensation, remuneration or payments of any kind paid to, or on behalf of, construction employees, including, without limitation, any hourly compensation paid directly to the construction employee, together with employee benefits, such as health, welfare, non-occupational disability coverage, retirement, vacation benefits, holiday pay, life insurance and apprenticeship training, and payroll taxes, including, to the extent permissible by law, all amounts paid for New York state unemployment insurance, New York state disability insurance, metropolitan commuter transportation mobility tax, federal unemployment insurance and pursuant to the federal insurance contributions act or any other payroll tax that is paid by the employer.

(uu) "Zone A" shall mean any tax lot now existing or hereafter created which is located entirely south of 96th street in the borough of Manhattan or in any of the following neighborhood tabulation areas as most recently defined by the department of New York City planning: Brooklyn 0101, Brooklyn 0102, Brooklyn 0103, Brooklyn 0104, and Queens 0201.

(vv) "Zone B" shall mean any tax lot now existing or hereafter created which is located entirely in any of the following neighborhood tabulation areas as most recently defined by the department of New York City planning: Brooklyn 0201, Brooklyn 0202, Brooklyn 0203, Brooklyn 0204, Brooklyn 0601, Brooklyn 0602, Brooklyn 0801, Queens 0105, and Queens 0102.

2. Benefit. In cities having a population of one million or more, notwithstanding the provisions of any general, special or local law to the contrary, new eligible multiple dwellings, except hotels, that comply with the provisions of this section shall be exempt from real property taxation, other than assessments for local improvements, in the amounts and for the periods specified as follows:

(a) a small rental project that complies with all of the requirements of this subdivision shall receive a ten year benefit;

(b) a modest rental project that complies with all of the requirements of this subdivision shall receive a thirty-five year benefit;

(c) a large rental project that complies with all of the requirements of this subdivision shall receive a thirty-five year benefit;

(d) a very large rental project that complies with all of the requirements of this subdivision shall receive a forty year benefit; and

(e) a homeownership project that complies with all of the requirements of this subdivision shall receive a twenty year benefit.

3. Construction work requirements. In addition to all other requirements set forth in this section, any eligible site containing one hundred or more dwelling units within the city of New York shall comply with the requirements set forth in this subdivision except as otherwise provided in any paragraph of this subdivision.

(a) Construction work on any eligible site containing one hundred units or more shall be subject to requirements in accordance with

sections two hundred twenty and two hundred twenty-b of the labor law; provided, however, that the minimum hourly rate of wages and supplements required to be paid to construction employees shall be forty dollars, which shall increase by two and one-half percent on the first day of July in the year two thousand twenty-five and by two and one-half percent on the first day of July in each year thereafter.

(b) Construction work on any eligible site containing one hundred fifty units or more, within Zone A, shall be subject to requirements in accordance with sections two hundred twenty and two hundred twenty-b of the labor law; provided, however, that the minimum hourly rate of wages and supplements required to be paid to construction employees shall be the lesser of seventy-two dollars and forty-five cents, which shall increase by two and one-half percent on the first day of July in the year two thousand twenty-five and by two and one-half percent on the first day of July in each year thereafter, or sixty-five percent of the greatest prevailing rate of wages and supplements within a classification.

(c) Construction work on any eligible site containing one hundred fifty units or more, within Zone B, shall be subject to requirements in accordance with sections two hundred twenty and two hundred twenty-b of the labor law; provided, however, that the minimum hourly rate of wages and supplements required to be paid to construction employees shall be the lesser of sixty-three dollars, which shall increase by two and one-half percent on the first day of July in the year two thousand twenty-five and by two and one-half percent on the first day of July in each year thereafter, or sixty percent of the greatest prevailing rate of wages and supplements within a classification.

(d) The owner of an eligible site shall be responsible for notifying the fiscal officer and the agency at least three months prior to the commencement of construction work of the location of the project, the anticipated construction start date, the anticipated construction end date, and the existence of any project labor agreement on the eligible site. Failure to provide such notice in the time and manner required shall subject the owner to fines and penalties not to exceed five-thousand dollars per day. In addition to the fines and penalties set forth herein, an owner shall forfeit the tax abatements and exemptions provided under this section if construction commences prior

to providing the notice required under this section.

(e) The owner of an eligible site shall be responsible for retaining original payroll records in accordance with section two hundred twenty of the labor law, as modified by paragraph (a) of this subdivision, for a period of six years from the completion date. All payroll records maintained by an owner pursuant to this subdivision shall be subject to inspection on request of the fiscal officer. Such owner may authorize the prime contractor on the eligible site to take responsibility for retaining and maintaining payroll records, but will be held jointly and severally liable for any violations of such contractor. All records obtained by the fiscal officer shall be subject to the freedom of information law.

(f) The fiscal officer may issue rules and regulations governing the provisions of this subdivision. Violations of this subdivision shall be grounds for determinations and orders pursuant to section two hundred twenty-b of the labor law.

(g) Where a complaint is received pursuant to this subdivision, if the fiscal officer finds cause to believe that an applicant or any person acting on behalf of or as an agent of an applicant, in connection with the performance of any contract for construction work pursuant to this subdivision, has committed a violation of the provisions of this subdivision, the fiscal officer may recapture tax abatements or exemptions provided pursuant to this section and/or terminate future tax abatements or exemptions made available pursuant to this section pursuant to the following:

(i) If an applicant or any person acting on behalf of or as an agent of an applicant, in connection with the performance of any contract for construction work pursuant to this subdivision, has committed three violations of the requirements of paragraph (a), (b), or (c) of this subdivision within a five-year period, the fiscal officer may recapture tax abatements or exemptions provided pursuant to this section and/or terminate future tax abatements or exemptions made available pursuant to this section, provided, however, that after a second such violation, the applicant shall be notified that any further violation may result in the recapture of tax abatements or exemptions provided pursuant to this section and/or termination of future tax abatements or exemptions made available pursuant to this section and that the fiscal officer shall

publish on its website a list of all applicants with two violations as defined in this paragraph.

(ii) For purposes of this subdivision, a "violation" of paragraph (a), (b), or (c) of this subdivision shall be deemed a finding by the fiscal officer that the applicant or any person acting on behalf of or as an agent of an applicant has failed to comply with paragraph (a), (b), or (c) of this subdivision and has failed to cure the deficiency within three months of such finding.

(iii) If the fiscal officer recaptures tax abatements or exemptions provided pursuant to this section and/or terminates future tax abatements or exemptions made available pursuant to this section for noncompliance with paragraph (a), (b), or (c) of this subdivision pursuant to this paragraph: (a) all of the restricted units shall remain subject to rent stabilization and all other requirements of this section for the restriction period, and any additional period expressly provided in this section, as if the ANNY Program benefits had not been recaptured or terminated; or (b) for a homeownership project, such project shall continue to comply with affordability requirements set forth in this section and all other requirements of this section for the restriction period and any additional period expressly provided in this section, as if the ANNY Program benefits had not been recaptured or terminated.

(h) An eligible site shall be excluded from the requirements of paragraphs (a), (b), (c) and (d) of this subdivision where the performance of all construction work on the eligible site is covered by a project labor agreement.

(i) A contractor and owner may be excluded from the requirements of paragraphs (a), (b), (c) and (d) of this subdivision with respect to only those construction employees of the contractor that are performing construction work on the eligible site under a collective bargaining agreement or a jobsite agreement that has expressly waived the provisions of paragraphs (a), (b), (c) and (d) of this subdivision.

4. In addition to all other requirements set forth in this section, an eligible site must, over the course of the design and construction of such eligible site, make all reasonable efforts to spend on contracts with minority and women owned business enterprises at least twenty-five percent of the total applicable costs, as such enterprises and costs are

defined in rules of the agency. Such rules shall set forth required measures with respect to contracts for design and construction that are comparable, to the extent practicable, to the measures used by agencies of the city of New York to enhance minority and women owned business enterprise participation in agency contracts pursuant to applicable law, including section 6-129 of the administrative code of the city of New York.

5. Tax payments. In addition to any other amounts payable pursuant to this section, the owner of any eligible site receiving ANNY Program benefits shall pay, in each tax year in which such ANNY Program benefits are in effect, real property taxes and assessments as follows:

(a) with respect to each eligible multiple dwelling constructed on such eligible site, real property taxes on the assessed valuation of such land and any improvements thereon in effect during the tax year prior to the commencement date of such eligible multiple dwelling, without regard to any exemption from or abatement of real property taxation in effect during such tax year, which real property taxes shall be calculated using the tax rate in effect at the time such taxes are due, provided, however, that this paragraph shall not apply to any very large rental project during the construction period or extended construction period, as applicable; and

(b) all assessments for local improvements.

6. Limitation on benefits for non-residential space. If the aggregate floor area of commercial, community facility and accessory use space in an eligible site, other than parking which is located not more than twenty-three feet above the curb level, exceeds twelve percent of the aggregate floor area in such eligible site, any ANNY Program benefits shall be reduced by a percentage equal to such excess. If an eligible site contains multiple tax lots, the tax arising out of such reduction in ANNY Program benefits shall first be apportioned pro rata among any non-residential tax lots. After any such non-residential tax lots are fully taxable, the remainder of the tax arising out of such reduction in ANNY Program benefits, if any, shall be apportioned pro rata among the remaining residential tax lots.

7. Calculation of benefit. Based on the certification of the agency certifying the applicant's eligibility for ANNY Program benefits, the assessors shall certify to the collecting officer the amount of taxes to be exempted.

8. Affordability and rent stabilization requirements. During the restriction period, a large rental project and a very large rental project shall comply with affordability option A, a modest rental project shall comply with affordability option B, a small rental project shall comply with the requirements of affordability option C, and a homeownership project shall comply with affordability option D. Such election shall be made in the application and shall not thereafter be changed.

(a) All rental dwelling units in an eligible multiple dwelling shall share the same common entrances and common areas as market rate units in such eligible multiple dwelling and shall not be isolated to a specific floor or area of an eligible multiple dwelling. Common entrances shall mean any area regularly used by any resident of a rental dwelling unit in the eligible multiple dwelling for ingress and egress from such eligible multiple dwelling.

(b) Unless preempted by the requirements of a federal, state or local housing program, either (i) the affordable housing units in an eligible multiple dwelling shall have a unit mix proportional to the market units, or (ii) at least fifty percent of the affordable housing units in an eligible multiple dwelling shall have two or more bedrooms and no more than twenty-five percent of the affordable housing units shall have less than one bedroom.

(c) Notwithstanding any provision of rent stabilization to the contrary, (i) all restricted units shall remain fully subject to rent stabilization both during and subsequent to the restriction period, and (ii) any restricted unit occupied by a tenant whose eligibility has been approved by the agency shall remain subject to rent stabilization until such tenant vacates such affordable housing unit where, (A) such approval occurred prior to the agency's denial of an application for ANNY program benefits for the multiple dwelling containing such restricted unit, or (B) such restricted unit is in a multiple dwelling for which an application for ANNY program benefits has not been filed or

has been withdrawn after filing.

(d) All rent stabilization registrations required to be filed shall: (i) contain a designation that specifically identifies affordable housing units created pursuant to this section as "ANNY Program affordable housing units"; (ii) contain a designation that specifically identifies dwelling units that are subject to rent stabilization in accordance with affordability option C; and (iii) contain an explanation of the requirements that apply to all such restricted units.

(e) Failure to comply with the provisions of this subdivision that require the creation, maintenance, rent stabilization compliance and occupancy of restricted units or for purposes of a homeownership project the failure to comply with the affordable homeownership project requirements shall result in the exercise of the agency's enforcement powers in accordance with this section, which include, but are not limited to, revocation of any ANNY Program benefits.

(f) Nothing in this section shall (i) prohibit the occupancy of an affordable housing unit by individuals or families whose income at any time is less than the maximum percentage of the area median income, adjusted for family size, specified for such affordable housing unit pursuant to this section, or (ii) prohibit the owner of an eligible site from requiring, upon initial rental or upon any rental following a vacancy, the occupancy of any affordable housing unit by such lower income individuals or families.

(g) Following issuance of a temporary certificate of occupancy and upon each vacancy thereafter, an affordable housing unit shall promptly be offered for rental by individuals or families whose income does not exceed the maximum percentage of the area median income, adjusted for family size, specified for such affordable housing unit pursuant to this section and who intend to occupy such affordable housing unit as their primary residence. A restricted unit shall not be (i) rented to a corporation, partnership or other entity, or (ii) held off the market for a period longer than is reasonably necessary to perform repairs needed to make such restricted unit available for occupancy.

(h) A restricted unit shall not be rented on a temporary, transient or short-term basis. Every lease and renewal thereof for a restricted unit shall be for a term of one or two years, at the option of the tenant.

(i) A restricted unit shall not be converted to cooperative or

condominium ownership.

(j) The agency may establish by rule such requirements as the agency deems necessary or appropriate for (i) the marketing of restricted units, both upon initial occupancy and upon any vacancy, (ii) monitoring compliance with the provisions of this subdivision, and (iii) the establishment of marketing bands for affordable housing units, and (iv) the marketing and monitoring of any homeownership project that is granted an exemption pursuant to this subdivision. Such requirements may include, but need not be limited to, retaining a monitor approved by the agency and paid for by the owner.

(k) Notwithstanding any provision of this section to the contrary, a market unit shall not be subject to rent stabilization unless, in the absence of ANNY Program benefits, the unit would be subject to rent stabilization.

9. Building service employees. (a) For the purposes of this subdivision, (i) "applicant" shall mean an applicant for ANNY Program benefits and/or any successor to such applicant; and (ii) "covered building service employer" shall mean any applicant and/or any employer of building service employees for such applicant, including, but not limited to, a property management company or contractor.

(b) All building service employees employed by the covered building service employer at the eligible site shall receive the applicable prevailing wage for the duration of the applicable benefit period, regardless of whether such benefits are revoked or terminated.

(c) The fiscal officer shall have the power to enforce the provisions of this subdivision. In enforcing such provisions, the fiscal officer shall have the power:

(i) to investigate or cause an investigation to be made to determine the prevailing wages for building service employees; in making such investigation, the fiscal officer may utilize wage and fringe benefit data from various sources, including, but not limited to, data and determinations of federal, state or other governmental agencies, provided, however, that the provision of a dwelling unit shall not be considered wages or a fringe benefit;

(ii) to institute and conduct inspections at the site of the work or elsewhere;

(iii) to examine the books, documents and records pertaining to the wages paid to, and the hours of work performed by, building service employees;

(iv) to hold hearings and, in connection therewith, to issue subpoenas, administer oaths and examine witnesses; the enforcement of a subpoena issued under this subdivision shall be regulated by the civil practice law and rules;

(v) to make a classification by craft, trade or other generally recognized occupational category of the building service employees and to determine whether such work has been performed by the building service employees in such classification;

(vi) to require the applicant to file with the fiscal officer a record of the wages actually paid to the building service employees and of their hours of work;

(vii) to delegate any of the foregoing powers to such fiscal officer's deputy or other authorized representative;

(viii) to promulgate rules as such fiscal officer shall consider necessary for the proper execution of the duties, responsibilities and powers conferred upon such fiscal officer by the provisions of this paragraph; and

(ix) to prescribe appropriate sanctions for failure to comply with the provisions of this subdivision. For each violation of paragraph (b) of this subdivision, the fiscal officer may require the payment of: (A) back wages and fringe benefits; (B) liquidated damages up to three times the amount of the back wages and fringe benefits for willful violations; and/or (C) reasonable attorney's fees. If the fiscal officer finds that the applicant has failed to comply with the provisions of this subparagraph, he or she shall present evidence of such non-compliance to the agency.

(d) Paragraph (b) of this subdivision shall not be applicable to:

(i) an eligible multiple dwelling containing less than thirty dwelling units; or

(ii) an eligible multiple dwelling in which all of the dwelling units are affordable housing units and not less than fifty percent of such affordable housing units, upon initial rental and upon each subsequent rental following a vacancy are affordable to and restricted to occupancy by individuals or families whose household income does not exceed ninety

percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(e) The applicant shall submit a sworn affidavit with its application certifying that it shall ensure compliance with the requirements of this subdivision or is exempt in accordance with paragraph (d) of this subdivision. Upon the agency's approval of such application, the applicant who is not exempt in accordance with paragraph (d) of this subdivision shall submit annually a sworn affidavit to the fiscal officer certifying that it shall ensure compliance with the requirements of this subdivision.

(f) The agency shall annually publish a list of all eligible sites subject to the requirements of this paragraph and the affidavits required pursuant to paragraph (e) of this subdivision.

10. Replacement ratio. If the land on which an eligible site is located contained any dwelling units three years prior to the commencement date of the first eligible multiple dwelling thereon, then such eligible multiple dwelling or dwellings built thereon shall contain at least one affordable housing unit for each dwelling unit that existed on such date and was thereafter demolished, removed or reconfigured, provided that if such eligible multiple dwelling or dwellings built thereon is a small rental project, then such eligible multiple dwelling or dwellings built thereon shall contain at least one restricted unit for each dwelling unit that existed on such date and was thereafter demolished, removed or reconfigured.

11. Concurrent exemptions or abatements. An eligible multiple dwelling receiving ANNY Program benefits shall not receive any exemption from or abatement of real property taxation under any other law.

12. Voluntary renunciation or termination. Notwithstanding the provisions of any general, special or local law to the contrary, an owner shall not be entitled to voluntarily renounce or terminate ANNY Program benefits unless the agency authorizes such renunciation or termination in connection with the commencement of a new tax exemption pursuant to either the private housing finance law or section four hundred twenty-c of this title.

13. Termination or revocation. The agency may terminate or revoke ANNY Program benefits for failure to comply with this section; provided, however, that the agency shall not terminate or revoke ANNY Program benefits for a failure to comply with subdivision three of this section. If a covered building service employer has committed three violations of the requirements of paragraph (b) of subdivision nine of this section within a five-year period, the agency may revoke any benefits associated with such eligible multiple dwelling under this section. For purposes of this subdivision, a "violation" of paragraph (b) of subdivision nine of this section shall be deemed a finding by the fiscal officer that the covered building service employer has failed to comply with paragraph (b) of subdivision nine of this section and has failed to cure the deficiency within three months of such finding. Provided, however, that after a second such violation, the applicant shall be notified that any further violation may result in the revocation of benefits under this section and that the fiscal officer shall publish on its website a list of all applicants with two violations as defined in this subdivision. If ANNY Program benefits are terminated or revoked for noncompliance with this section: (a) all of the restricted units shall remain subject to rent stabilization and all other requirements of this section for the applicable restriction period, and any additional period expressly provided in this section, as if the ANNY Program benefits had not been terminated or revoked; or (b) for a homeownership project, such project shall continue to comply with affordability requirements set forth in this section and all other requirements of this section for the restriction period and any additional period expressly provided in this section, as if the ANNY Program benefits had not been terminated or revoked.

14. Powers cumulative. The enforcement provisions of this section shall not be exclusive, and are in addition to any other rights, remedies, or enforcement powers set forth in any other law or available at law or in equity.

15. Multiple tax lots. If an eligible site contains multiple tax lots, an application may be submitted with respect to one or more of such tax

lots. The agency shall determine eligibility for ANNY Program benefits based upon the tax lots included in such application and benefits for each multiple dwelling shall be based upon the completion date of such multiple dwelling.

16. Applicant registration. (a) Prospective applicants for ANNY Program benefits pursuant to this section shall file with the agency a form supplied by the agency which: (i) states an intention to file for such benefits under the provisions of this subdivision; (ii) includes the commencement date; and (iii) establishes the intended number of total dwelling units and, if applicable, restricted units. The agency shall promulgate such form no later than ninety days after the effective date of this section.

(b) The form described in paragraph (a) of this subdivision shall be filed: (i) for projects with a commencement date before the effective date of this section, no later than six months after such effective date or six months after the agency promulgates the form described in paragraph (a) of this subdivision, whichever is later; or (ii) for projects with a commencement date on or after the effective date of this section, no later than six months after such commencement date or six months after the agency promulgates the form described in paragraph (a) of this subdivision, whichever is later.

(c) Applicants who fail to comply with the requirements of this subdivision shall be subject to a penalty not to exceed one hundred percent of the application filing fee otherwise payable pursuant to subdivision eighteen of this section.

17. Applications. (a) The application with respect to any eligible multiple dwelling shall be filed with the agency not later than one year after the completion date of such eligible multiple dwelling.

(b) Notwithstanding the provisions of any general, special or local law to the contrary, the agency may require by rule that applications be filed electronically.

(c) The agency may rely on certification by an architect or engineer submitted by an applicant in connection with the filing of an application. A false certification by such architect or engineer shall be deemed to be professional misconduct pursuant to section sixty-five

hundred nine of the education law. Any licensee found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten of the education law shall be subject to the penalties prescribed in section sixty-five hundred eleven of the education law and shall thereafter be ineligible to submit a certification pursuant to this section.

(d) The agency shall not require that the applicant demonstrate compliance with the requirements of subdivision three of this section as a condition to approval of the application.

18. Filing fee. (a) The agency may require a filing fee of: (i) three thousand dollars per dwelling unit in connection with any application for an eligible site consisting of more than five and less than eleven residential rental dwelling units; (ii) four thousand dollars per dwelling unit in connection with any application for an eligible site consisting of more than eleven units and less than one hundred residential dwelling units; (iii) four thousand dollars per dwelling unit in connection with any application for a homeownership project; and (iv) five thousand dollars per dwelling unit in connection with any application for an eligible site consisting of one hundred or more residential dwelling units.

(b) Notwithstanding the provisions contained in paragraph (a) of this subdivision, the agency may promulgate rules: (i) imposing a lesser fee for eligible sites containing eligible multiple dwellings constructed with the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing; and (ii) requiring a portion of the filing fee to be paid upon the submission of the information the agency requires in advance of approving the commencement of the marketing process for a modest rental project, a large rental project, or a very large rental project.

19. Rules. Except as provided in subdivisions three and nine of this section, the agency shall have the sole authority to enforce the provisions of this section and may promulgate rules to carry out the provisions of this section.

20. Reporting. On or before June thirtieth of each year, the commissioner of the agency shall issue a report to the governor, the temporary president of the senate and the speaker of the assembly setting forth the number of total projects and units created by this section by year, level of affordability, and community board, the cost of the ANNY Program, and other such factors as the commissioner of the New York city department of housing preservation and development deems appropriate. The New York city department of housing preservation and development may request and shall receive cooperation and assistance from all departments, divisions, boards, bureaus, commissions, public benefit corporations or agencies of the state of New York, the city of New York or any other political subdivisions thereof, or any entity receiving benefits pursuant to this section.

21. Penalties for violations of affordability and rent stabilization requirements. (a) On and after the expiration date of the ten year benefit, twenty year benefit, thirty-five year benefit, or forty year benefit, as applicable, the agency may impose, after notice and an opportunity to be heard, a fine for any violation of the affordability and rent stabilization requirements established pursuant to subdivision eight of this section by such small rental project, modest rental project, large rental project, very large rental project, or homeownership project. The agency shall establish a schedule and method of calculation of such fines pursuant to subdivision nineteen of this section.

(b) A fine under this subdivision may be imposed against the owner of the eligible site containing such small rental project, modest rental project, large rental project, very large rental project, or homeownership project at the time the violation occurred, even if such owner no longer owns such eligible site. A failure to pay such fine may result in a lien and such other remedies as may be available pursuant to applicable law and regulation.

§ 485-y. Vacant residential real property improvement exemption; certain cities. 1. Construction of improvements to residential real property, provided that such real property was continuously vacant for a

period of at least three years prior to such construction, initiated on or after January first, two thousand twenty-five in a city with a population of not less than seven thousand fifty and not more than seven thousand sixty, determined in accordance with the two thousand twenty census, may be exempt from city taxation as provided in this section.

2. (a)(i) During the construction period, such real property shall be fully exempt from city taxation, up to a period of eighteen months or until a certificate of occupancy is issued, whichever is sooner, on all city taxation. For the purposes of this section, the term "construction period" shall mean the period of time beginning on the date which the actual construction of improvements to vacant residential real property, pursuant to subdivision one of this section, lawfully begins in good faith and ending on the date a certificate of occupancy has been issued.

(ii) (A) Upon the termination of the exemption provided for under subparagraph (i) of this paragraph, such real property shall be exempt for a period of one year to the extent of eighty per centum of the assessed value thereof and for an additional period of three years, provided, however, that the extent of such exemption shall decrease by twenty per centum each year during such additional period of three years and such exemption shall be computed with respect to the "exemption base". For the purposes of this section, the term "exemption base" shall mean the assessed value as determined by the assessor in the initial year of such four-year period following the termination of the exemption provided for under subparagraph (i) of this paragraph.

(B) The following table shall illustrate the computation of the city tax exemption:

Year of exemption	Percentage of exemption
1	80
2	60
3	40
4	20

(C) Exemptions granted pursuant to this section shall apply to real property taxes imposed for city purposes.

(b) No such exemption shall be granted unless: (i) such construction of improvements was commenced on or after the first day of January, two thousand twenty-five or such later date as may be specified by local

law;

(ii) the residential real property is situate in a city with a population of not less than seven thousand fifty and not more than seven thousand sixty, determined in accordance with the two thousand twenty census; and

(iii) such construction is documented by a building permit, if required, for the improvements, or other appropriate documentation as required by the assessor.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of a city with a population of not less than seven thousand fifty and not more than seven thousand sixty, determined in accordance with the two thousand twenty census, on or before the appropriate taxable status date of such city and within one year from the date of completion of such construction of improvements.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, they shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies by a city with a population of not less than seven thousand fifty and not more than seven thousand sixty, determined in accordance with the two thousand twenty census, as provided in this section commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

6. A city with a population of not less than seven thousand fifty and not more than seven thousand sixty, determined in accordance with the two thousand twenty census, may, by local law, establish a date for the

commencement of effectiveness of the exemption offered pursuant to this section. A copy of all such local laws shall be filed with the commissioner and the assessor of the city.

§ 486. Non-profit medical and dental indemnity, or hospital service corporations. Real property owned by a medical expense indemnity corporation, dental expense indemnity corporation or hospital service corporation shall be entitled to the exemption provided in the insurance law.

§ 486-a. Non-profit corporations operating as health maintenance organizations. Real property owned by a not-for-profit corporation operating as a health maintenance organization subject to the provisions of article forty-four of the public health law and used exclusively for its corporate purposes shall be exempt from taxation.

§ 487. Exemption from taxation for certain energy systems. 1. As used in this section:

(a) "Solar or wind energy equipment" means collectors, controls, energy storage devices, heat pumps and pumps, heat exchangers, windmills, and other materials, hardware or equipment necessary to the process by which solar radiation or wind is (i) collected, (ii) converted into another form of energy such as thermal, electrical, mechanical or chemical, (iii) stored, (iv) protected from unnecessary dissipation and (v) distributed. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards required by law.

(b) "Solar or wind energy system" means an arrangement or combination of solar or wind energy equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of solar or wind energy and its conversion, storage, protection and distribution.

(c) "Authority" means the New York state energy research and development authority.

(d) "Incremental cost" means the increased cost of a solar or wind energy system or farm waste energy system or component thereof which also serves as part of the building structure, above that for similar conventional construction, which enables its use as a solar or wind energy or farm waste energy system or component.

(e) "Farm waste electric generating equipment" means equipment that generates electric energy from biogas produced by the anaerobic digestion of agricultural waste, such as livestock manure, farming waste and food processing wastes with a rated capacity of not more than one thousand kilowatts that is (i) manufactured, installed and operated in accordance with applicable government and industry standards, (ii) connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities, (iii) operated in compliance with the provisions of section sixty-six-j of the public service law, (iv) fueled at a minimum of ninety percent on an annual basis by biogas produced from the anaerobic digestion of agricultural waste such as livestock manure materials, crop residues and food processing wastes, and (v) fueled by biogas generated by anaerobic digestion with at least fifty percent by weight of its feedstock being livestock manure materials on an annual basis.

(f) "Farm waste energy system" means an arrangement or combination of farm waste electric generating equipment or other materials, hardware or equipment necessary to the process by which agricultural waste biogas is produced, collected, stored, cleaned, and converted into forms of energy such as thermal, electrical, mechanical or chemical and by which the biogas and converted energy are distributed on-site. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling or insulation system of a building.

(g) "Micro-hydroelectric energy equipment" means any energy storage device, penstock, turbine, generator and other materials, hardware and equipment necessary to the process by which the flow of stream or river water or water from other water bodies is (i) converted into electrical energy; (ii) protected from unnecessary dissipation; and (iii) distributed. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation

system of a building. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

(h) "Micro-hydroelectric energy system" means an arrangement or combination of micro-hydroelectric energy equipment designed to provide electrical energy by the use of flowing water. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

(i) "Fuel cell electric generating equipment" means a solid oxide, molten carbonate, proton exchange membrane or phosphoric acid fuel cell with a combined rated capacity of not more than two thousand kilowatts. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

(j) "Fuel cell electric generating system" means an arrangement or combination of equipment designed to produce electrical energy through reaction of chemicals, including but not limited to hydrogen, oxygen, methane and natural gas.

(k) "Micro-combined heat and power generating equipment" means an integrated, cogenerating building heating and electrical power generation system, owned, leased or operated by a residential customer, located at such customer's premises, operating on any fuel and of any applicable engine, fuel cell, fuel-flexible linear generator or other technology with a rated capacity of at least one kilowatt and not more than ten kilowatts electric and any thermal output that has a design total fuel use efficiency in the production of heat and electricity of not less than eighty percent, and annually produces at least two thousand kilowatt hours of useful energy in the form of electricity that may work in combination with supplemental or parallel conventional heating systems, that is manufactured, installed and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building.

It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

(l) "Micro-combined heat and power generating equipment system" means an arrangement or combination of equipment designed to produce electrical energy and heat for a residential customer on such customer's premises.

(m) "Electric energy storage equipment" means a set of technologies capable of storing electric energy and releasing that energy as electric power at a later time. Electric energy storage technologies may store energy as potential, kinetic, chemical or thermal energy, that can be released as electric power and include, but are not limited to, various types of batteries, flywheels, electrochemical capacitors, compressed air storage and thermal storage devices.

(n) "Electric energy storage system" means an arrangement or combination of equipment designed to store electrical energy in electric energy storage equipment and release electric power at a later time.

(o) "Fuel-flexible linear generator electric generating equipment" or "fuel-flexible linear generator" means an integrated system consisting of oscillators, cylinders, electricity conversion equipment and associated balance of plant components that directly convert the linear motion of the oscillators into electricity and which has a combined rated capacity of not more than two thousand kilowatts.

(p) "Fuel-flexible linear generator electric generating system" means an arrangement or combination of fuel-flexible linear generator electric generating equipment designed to produce electrical energy from linear motion created by the reaction of gaseous or liquid fuels, including but not limited to biogas and natural gas.

2. Real property which includes a solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electric generating system approved in accordance with the provisions of this section shall be exempt from taxation to the extent of any increase in the value thereof by reason of the inclusion of such solar or wind energy system,

farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electronic generating system for a period of fifteen years. When a solar or wind energy system or components thereof, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electronic generating system also serve as part of the building structure, the increase in value which shall be exempt from taxation shall be equal to the assessed value attributable to such system or components multiplied by the ratio of the incremental cost of such system or components to the total cost of such system or components. The exemption provided by this section is inapplicable to any structure that satisfies the requirements for exemption under section four hundred eighty-three-e of this title.

3. The president of the authority shall provide definitions and guidelines for the eligibility for exemption of the solar and wind energy equipment and systems, farm waste energy equipment and systems, micro-hydroelectric equipment and systems, fuel cell electric generating equipment and systems, micro-combined heat and power generating equipment and systems, electric energy storage equipment and electric energy storage system, and fuel-flexible linear generator electric generating equipment and systems described in paragraphs (a), (b), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) and (p) of subdivision one of this section.

4. No solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electric generating system shall be entitled to any exemption from taxation under this section unless such system meets the guidelines set by the president of the authority and all other applicable provisions of law.

5. The exemption granted pursuant to this section shall only be applicable to (a) solar or wind energy systems or farm waste energy systems which are (i) existing or constructed prior to July first, nineteen hundred eighty-eight or (ii) constructed subsequent to January first, nineteen hundred ninety-one and prior to January first, two thousand thirty, and (b) micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, electric energy storage equipment or electric energy storage system, or fuel-flexible linear generator electric generating system which are constructed subsequent to January first, two thousand eighteen and prior to January first, two thousand thirty.

6. Such exemption shall be granted only upon application by the owner of the real property on a form prescribed and made available by the commissioner in cooperation with the authority. The applicant shall furnish such information as the commissioner shall require. The application shall be filed with the assessor of the appropriate county, city, town or village on or before the taxable status date of such county, city, town or village. A copy of such application shall be filed with the authority.

7. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and enter the taxable assessed value of the parcel for which an exemption has been granted pursuant to this section on the assessment roll with the taxable property, with the amount of the exemption set forth in a separate column as computed pursuant to subdivision two of this section in a separate column. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

8. (a) Notwithstanding the provisions of subdivision two of this section, a county, city, town or village may by local law or a school district, other than a school district to which article fifty-two of the education law applies, may by resolution provide either (i) that no

exemption under this section shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system which began construction subsequent to January first, nineteen hundred ninety-one or the effective date of such local law, ordinance or resolution, whichever is later, and/or (ii) that no exemption under this section shall be applicable within its jurisdiction with respect to any micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment or electric energy storage system, or fuel-flexible linear generator electric generating system constructed subsequent to January first, two thousand eighteen or the effective date of such local law, ordinance or resolution, whichever is later. A copy of any such local law or resolution shall be filed with the commissioner and with the president of the authority.

(b) Construction of a solar or wind energy system or a farm waste energy system shall be deemed to have begun upon the full execution of a contract or interconnection agreement with a utility; provided however, that if such contract or interconnection agreement requires a deposit to be made, then construction shall be deemed to have begun when the contract or interconnection agreement is fully executed and the deposit is made. The owner or developer of such a system shall provide written notification to the appropriate local jurisdiction or jurisdictions upon execution of the contract or the interconnection agreement.

9. (a) A county, city, town, village or school district, except a school district under article fifty-two of the education law, that has not acted to remove the exemption under this section may require the owner of a property which includes a solar or wind energy system which meets the requirements of subdivision four of this section, to enter into a contract for payments in lieu of taxes. Such contract may require annual payments in an amount not to exceed the amounts which would otherwise be payable but for the exemption under this section. If the owner or developer of such a system provides written notification to a taxing jurisdiction of its intent to construct such a system, then in order to require the owner or developer of such system to enter into a contract for payments in lieu of taxes, such taxing jurisdiction must notify such owner or developer in writing of its intent to require a

contract for payments in lieu of taxes within sixty days of receiving the written notification. Written notification to a taxing jurisdiction for this purpose shall include a hard copy letter sent to the highest-ranking official of the taxing jurisdiction. Such letter shall explicitly reference subdivision nine of section four hundred eighty-seven of the real property tax law, and clearly state that, unless the taxing jurisdiction responds within sixty days in writing with its intent to require a contract for payments in lieu of taxes, such project shall not be obligated to make such payments.

(b) Notwithstanding paragraph (a) of this subdivision, should a taxing jurisdiction adopt a law or resolution at any time within or prior to the sixty day window, indicating the taxing jurisdiction's ongoing intent to require a contract for payments in lieu of taxes for such systems, such law or resolution shall be considered notification to owners or developers and no further action is required on the part of the taxing jurisdiction, provided that such law or resolution remains in effect through the end of the sixty day notification period.

(c) Any payment in lieu of a tax agreement shall not operate for a period of more than fifteen years, commencing in each instance from the date on which the benefits of such exemption first become available and effective.

10. Notwithstanding the foregoing provisions of this section, on or after April first, two thousand nineteen, a county, city, town or village may by local law or a school district, other than a school district to which article fifty-two of the education law applies, may by resolution provide that real property that comprises or includes a solar or wind energy system, farm waste energy system, microhydroelectric energy system, fuel cell electric generating system, microcombined heat and power generating equipment system, electric energy storage system, or fuel-flexible linear generator as such terms are defined in paragraphs (b), (f), (h), (j), (l), (n), and (o) of subdivision one of this section (hereinafter, individually or collectively, "energy system"), shall be permanently exempt from any taxation, special ad valorem levies, and special assessments to the extent provided in section four hundred ninety of this article, and the owner of such property shall not be subject to any requirement to enter into a

contract for payments in lieu of taxes in accordance with subdivision nine of this section, if: (a) the energy system is installed on real property that is owned or controlled by the state of New York, a department or agency thereof, or a state authority as that term is defined by subdivision one of section two of the public authorities law; and (b) the state of New York, a department or agency thereof, or a state authority as that term is defined by subdivision one of section two of the public authorities law has agreed to purchase the energy produced by such energy system or the environmental credits or attributes created by virtue of the energy system's operation, in accordance with a written agreement with the owner or operator of such energy system. Such exemption shall be granted only upon application by the owner of the real property on a form prescribed by the commissioner, which application shall be filed with the assessor of the appropriate county, city, town or village on or before the taxable status date of such county, city, town or village.

§ 487-a. Exemption from taxation of conservation improvements to certain residential premises. Insulation and other energy conservation measures hereafter added to one, two, three or four family homes, which qualify for (a) financing under a home conservation plan pursuant to article VII-A of the public service law, or (b) any conservation related state or federal tax credit or deduction heretofore or hereafter enacted, shall be exempt from real property taxation and special ad valorem levies to the extent of any increase in value of such homes by reason of such addition.

§ 488. Retirement systems. Real property owned by a retirement system shall be entitled to the exemption provided in the insurance law.

§ 488-a. Rehabilitation of certain class B multiple dwellings and class A multiple dwellings used for single room occupancy. 1. Definitions. For the purposes of this section the following terms shall have the meaning specified in this subdivision:

a. "Eligible real property" shall mean:

(i) any class B multiple dwelling;

(ii) any class A multiple dwelling used for single room occupancy pursuant to section two hundred forty-eight of the multiple dwelling law which contains no more than twenty-five percent class A dwelling units which contain lawful sanitary and kitchen facilities within the dwelling unit, provided that in the case of a multiple dwelling containing ten dwelling units or less, up to forty percent of the dwelling units may be class A units.

Notwithstanding the foregoing, eligible real property shall not include college and school dormitories, club houses, or residences whose occupancy is restricted to an institutional use such as housing intended for use primarily or exclusively by the employees of a single company or institution. A building is an eligible real property only if it qualifies as such after completion of the eligible improvements, but need not have been an eligible real property prior to the eligible improvements.

(iii) not-for-profit institutions with sleeping accommodations.

b. "Eligible improvements" shall be limited to the following categories of work, provided further that such work shall be in conformity with all applicable laws:

(i) replacement of a boiler or burner or installation of an entire new heating system;

(ii) replacement or upgrading of electrical system;

(iii) replacement or upgrading of elevators;

(iv) installation or replacement or upgrading of the plumbing system, including water main and risers;

(v) replacement or installation of walls, ceilings, floors or trim where necessary;

(vi) replacement or upgrading of doors, installation of security devices and systems;

(vii) installation, replacement or upgrading of smoke detectors, fire alarms, fire escapes, or sprinkler systems;

(viii) replacement or repair of roof, leaders and gutters;

- (ix) replacement or installation of bathroom facilities;
- (x) installation of wall and pipe insulation;
- (xi) replacement or upgrading of street connections for water or sewer services;
- (xii) replacement or installation of windows, or installation of window gates or guards;
- (xiii) installation or replacement of boiler smoke stack;
- (xiv) pointing, waterproofing and cleaning of entire building exterior surface;
- (xv) improvements designed to conserve the use of fuel, electricity or other energy sources;
- (xvi) improvements unique to congregate living facilities, as defined by rules and regulations promulgated by the local housing agency, pursuant to subdivision seven of this section; and
- (xvii) work necessary to effect compliance with all applicable laws including but not limited to the multiple dwelling law, the New York city housing maintenance code and the New York city building code.

c. "Local housing agency". Local housing agency shall have the same meaning as the term "agency" under section five hundred two of the general municipal law, except that in cities of over one million in population the term shall mean the department of housing preservation and development.

d. "Permanent resident". Permanent resident shall mean a person who has resided in eligible real property for six months or more, has a lease with a term of six or more months, or has requested a lease pursuant to the provisions of the rent stabilization code for housing accommodations located in hotels.

2. Local legislative action. Any city to which the multiple dwelling law is applicable, acting through its local legislative body or other governing agency, is hereby authorized and empowered to adopt and amend local laws or ordinances up to and including December thirty-first, two thousand nineteen, to provide that any increase in assessed valuation of eligible real property shall be exempt from taxation for local purposes and to provide for the abatement of taxes on eligible real property,

including the land, in accordance with this section.

3. Tax exemption. Any increase in assessed valuation of eligible real property resulting from eligible improvements shall be exempt from taxation for local purposes for a period of thirty-two years, provided that:

(i) the eligible improvements are commenced after July first, nineteen hundred eighty, but prior to December thirty-first, two thousand nineteen, and are completed within thirty-six months of commencement;

(ii) the eligible improvements are approved by the local housing agency with respect to their cost and their qualifications for the benefits of this section;

(iii) the exemption may commence no sooner than the July first following the filing with the local agency responsible for real property tax assessment of a certification of eligibility issued by the local housing agency for such exemption; provided, however, that if the rehabilitation is carried out with substantial government assistance as part of a program for affordable housing, the exemption may commence no sooner than the July first following the commencement of construction of eligible improvements;

(iv) immediately prior to, and during, the construction of the eligible improvements, fifty or more percent of the dwelling units in such eligible real property are occupied by permanent residents; provided that such occupancy requirement shall not apply to a vacant, governmentally owned, multiple dwelling, nor to a privately owned multiple dwelling which had been vacant for not less than two years prior to the commencement of construction of eligible improvements, nor to a vacant multiple dwelling where the eligible improvements are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality or any not-for-profit philanthropic organization one of whose primary purposes is providing low or moderate income housing;

(v) there shall be no outstanding real estate taxes, water and sewer charges, payments in lieu of taxes or other municipal charges due and owing as of the tax quarter prior to commencement of tax exemption to this section;

(vi) except in the case of eligible real property which is receiving

or has received assistance pursuant to a governmental rent subsidy program, or which is owned by a not-for-profit corporation or by a wholly owned subsidiary of a not-for-profit corporation and which is receiving or has received assistance pursuant to a governmental loan subsidy program, as defined by the rules and regulations promulgated by the local housing agency, pursuant to subdivision seven of this section, for the construction of eligible improvements, the initial rent, after completion of eligible improvements, for ninety percent of the total number of dwelling units occupied by permanent residents in a class A or class B multiple dwelling other than apartments shall not exceed the greater of either the amount of any governmental rental assistance received by an occupant or seventy-five percent of the rent which is permitted to be charged for zero-bedroom units on the moderate rehabilitation fair market rent schedule as determined by the United States department of housing and urban development for the housing assistance payments program under section eight of the national housing act;

(vii) no person who lives in the eligible real property shall be required by the owner to vacate the eligible real property in order to perform the eligible improvements or any related work.

4. Tax abatement. Eligible real property which qualifies for exemption from taxation for local purposes for eligible improvements shall also be eligible for an abatement of real property taxes in an amount no greater than twelve and one-half percent of the reasonable cost of eligible improvements certified by the local housing agency, which abatement may commence on the first day of the first tax quarter following the filing with the local agency responsible for real property tax assessment of a certification of eligibility issued by the local housing agency for such abatement; provided, however that if the rehabilitation is carried out with substantial government assistance as part of a program for affordable housing the abatement may commence no sooner than the first day of the first tax quarter following the commencement of construction of eligible improvements, provided that:

(i) the annual abatement shall not exceed the amount of taxes otherwise payable in the corresponding tax year;

(ii) the period during which such abatement is effective shall not

exceed twenty consecutive years from the date such abatement first becomes effective; and

(iii) the total abatement shall not exceed the lesser of one hundred fifty percent of the certified reasonable costs of eligible improvements or the actual costs as determined by the local housing agency pursuant to its rules and regulations.

5. Continuing requirements. During the period of tax exemption or abatement pursuant to this section, exemption and abatement shall be conditional upon continuing compliance with the following requirements:

(i) compliance with all applicable provisions of law, including but not limited to the multiple dwelling law, the local building code and the local housing maintenance code;

(ii) all dwelling units, except owner occupied units, shall be subject to the emergency housing rent control law or the local emergency housing rent control act, or the emergency tenant protection act of nineteen seventy-four, or any local laws enacted pursuant thereto, or the rent stabilization law of nineteen hundred sixty-nine; provided, however that the department of housing preservation and development may exempt from this requirement dwelling units that are not occupied by permanent residents in those buildings owned by a not-for-profit corporation or by a wholly owned subsidiary of a not-for-profit corporation and which are improved with the aid of a rehabilitation loan from any governmental agency or instrumentality or operated pursuant to a contract with a governmental entity;

(iii) it shall not receive tax exemption or tax abatement for rehabilitation or new construction under any other provision of law; and

(iv) the eligible improvements shall not be used as the basis for any application for rent increases and the owner shall file a statement to such effect with the local housing agency and with any applicable rent agency, provided, however, that rents of units improved with the aid of a rehabilitation loan from any governmental agency or instrumentality may within the limitations established by this section be increased pursuant to the rules and regulations of the local housing agency; and

(v) a minimum of seventy-five percent of the dwelling units shall be rental units occupied by permanent residents, provided, however, that the local housing agency may exempt from this requirement those

buildings improved with the aid of a rehabilitation loan from any government agency or instrumentality or operated pursuant to a contract with a governmental entity.

6. Revocation. The benefits of this section may be revoked or reduced upon a finding by the local housing agency or local finance agency that:

(i) the application for benefits hereunder or the annual certification required hereunder contains a false statement or false information as to a material matter or omits a material matter;

(ii) real estate taxes, water and sewer charges, payments in lieu of taxes or other municipal charges are due and owing for more than one year; or

(iii) the eligible real property fails to comply with one or more of the provisions or requirements of this section.

7. Rules and regulations. The local agencies of government charged with the administration of this section may promulgate rules and regulations to carry out the provisions of this section.

8. Annual certification. During the period of tax exemption or abatement pursuant to this section, the owner shall submit an annual certification to the local housing agency in a form to be prescribed by such agency. Failure to submit such certification may result in revocation of benefits. Such certification shall include the following:

(i) the total number of dwelling units within the eligible real property and the number of dwelling units occupied by permanent residents;

(ii) the number of dwelling units subject to the provisions of the emergency housing rent control act, the emergency tenant protection act of nineteen seventy-four or any local laws enacted pursuant thereto, the emergency housing rent control law or the rent stabilization law of nineteen hundred sixty-nine; and

(iii) all such other information required by the local housing agency.

§ 489. Exemption from taxation of alterations and improvements to multiple dwellings to eliminate fire and health hazards; abatement. 1.

(a) Any city to which the multiple dwelling law is applicable, acting through its local legislative body or other governing agency, is hereby authorized and empowered, to and including January first, two thousand twenty-two, to adopt and amend local laws or ordinances providing that any increase in assessed valuation of real property shall be exempt from taxation for local purposes, as provided herein, to the extent such increase results from:

(1) conversion of buildings or structures on such property to class A multiple dwellings not used in whole or in part for single room occupancy, including conversion of residential units qualified for the protection of article seven-C of the multiple dwelling law in buildings classified as interim multiple dwellings pursuant to such article to units which are in compliance with the standards of safety and fire protection set forth in article seven-B of the multiple dwelling law or to units which have a certificate of occupancy as class A multiple dwellings; or

(2) alterations or improvements, including as improvements asbestos abatement to the extent such asbestos abatement is required by federal, state or local law, on such property to eliminate unhealthy or dangerous conditions or to replace inadequate and obsolete sanitary facilities, any of which represent fire or health hazards, in any existing class A multiple dwellings or buildings consisting of one or two dwelling units over space used for commercial occupancy, except insofar as the gross cubic content of the building is increased thereby; or

(3) alterations or improvements on such property which are designed to conserve the use of fuel, electricity or other such energy sources in any dwellings or other buildings or structures described in clause one or two of this paragraph; or

(4) alterations or improvements to the exterior walls of dwellings or other buildings or structures on such property in order to comply with any provision of law regulating dwellings, buildings, or structures that are in an area designated as an historic or landmark area or that are designated as historic or landmark buildings or structures; or

(5) alterations or improvements constituting a moderate rehabilitation of a substantially occupied class A multiple dwelling within a city having a population of one million or more as certified by the local housing agency pursuant to local law or rules and regulations; or

(6) alterations or improvements constituting a substantial rehabilitation of a class A multiple dwelling or a conversion of a building or structure into a class A multiple dwelling as part of a program to provide housing for low and moderate income households as defined by the local housing agency pursuant to rules and regulations, provided that such alterations or improvements or conversions shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality, including, in the discretion of the local housing agency, a subsidy in the form of a below market sale.

Such conversion, alterations or improvements shall be completed within thirty months after the date on which same shall be started except that such thirty month limitation shall not apply to conversions of residential units which are registered with the loft board in accordance with article seven-C of the multiple dwelling law pursuant to subparagraph one of this paragraph. Notwithstanding the foregoing, a sixty month period for completion shall be available for alterations or improvements undertaken by a housing development fund company organized pursuant to article eleven of the private housing finance law, which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from such city if alterations and improvements are completed within seven years after the date of transfer. In addition, the local housing agency is hereby empowered to grant an extension of the period of completion for any project carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality, if such alterations or improvements are completed within sixty months from commencement of construction. Provided, further, that such conversion, alterations or improvements shall in any event be completed prior to June thirtieth, two thousand twenty-two. Exemption for conversions, alterations or improvements pursuant to subparagraph one, two, three or four of this paragraph shall continue for a period not to exceed fourteen years and begin no sooner than the first quarterly tax bill immediately following the completion of such conversion, alterations or improvements. Exemption for alterations or improvements pursuant to this subparagraph or subparagraph five of this

paragraph shall continue for a period not to exceed thirty-four years and shall begin no sooner than the first quarterly tax bill immediately following the completion of such alterations or improvements. Such exemption shall be equal to the increase in the valuation which is subject to exemption in full or proportionally under this subdivision for ten or thirty years, whichever is applicable. After such period of time, the amount of such exempted assessed valuation of such improvements shall be reduced by twenty percent in each succeeding year until the assessed value of the improvements are fully taxable. Provided, however, exemption for any conversion, alterations or improvements which are aided by a loan or grant under article eight, eight-A, eleven, twelve, fifteen or twenty-two of the private housing finance law, section six hundred ninety-six-a or section ninety-nine-h of the general municipal law, or section three hundred twelve of the housing act of nineteen hundred sixty-four (42 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing act (42 U.S.C.A. 12701 et. seq.), or started after July first, nineteen hundred eighty-three by a housing development fund company organized pursuant to article eleven of the private housing finance law which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from any city and where alterations and improvements are completed within seven years after the date of transfer may commence at the beginning of any tax quarter subsequent to the start of such conversion, alterations or improvements and prior to the completion of such conversion, alterations or improvements.

(b) Any city to which the multiple dwelling law is not applicable, acting through its local legislative body or other governing agency, is hereby authorized and empowered, to and including June first, nineteen hundred seventy-two, to adopt and amend local laws or ordinances providing that any increase in assessed valuation resulting from alterations and improvements to eliminate presently existing unhealthy or dangerous conditions in any multiple dwellings occupied, as a rule, for permanent residence purposes or to replace inadequate and obsolete sanitary facilities any of which represent fire or health hazards, in such dwellings except insofar as the gross cubic content of the building

is increased thereby, shall be exempt from taxation for local purposes for a period not to exceed twelve years after the taxable status date immediately following the completion thereof, provided that the alterations or improvements for which the benefits of any such law or ordinance are claimed were started after March first, nineteen hundred sixty-two, and completed within two years from the date on which they were started and in any event prior to December thirty-first, nineteen hundred seventy-four.

1-a. Notwithstanding the provisions of subdivision one of this section, alterations, improvements or conversions of any building or structure that are eligible for benefits pursuant to paragraph (a) of subdivision one of this section except insofar as the gross cubic content of such building or structure is increased thereby shall be eligible for such benefits insofar as the gross cubic content of such building or structure is increased thereby provided that:

(a) for all tax lots now existing or hereafter created, at least fifty percent of the floor area of the completed building or structure consists of the pre-existing building or structure that was converted, altered or improved in accordance with paragraph (a) of subdivision one of this section, and

(b) for tax lots in the city of New York now existing or hereafter created within the following area in the borough of Manhattan, such conversions, alterations or improvements are aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality: beginning at the intersection of the United States pierhead line in the Hudson river and the center line of Chambers street extended, thence easterly to the center line of Chambers street and continuing along the center line of Chambers street to the center line of Centre street, thence southerly along the center line of Centre street to the center line of the Brooklyn Bridge to the intersection of the Brooklyn Bridge and the United States pierhead line in the East river, thence northerly along the United States pierhead line in the East river to the intersection of the United States pierhead line in the East river and the center line of One Hundred Tenth street extended, thence westerly to the center line of One Hundred Tenth street and continuing along the center line of One Hundred Tenth street to its westerly terminus, thence

westerly to the intersection of the center line of One Hundred Tenth street extended and the United States pierhead line in the Hudson river, thence southerly along the United States pierhead line in the Hudson river to the point of beginning. For purposes of this subdivision, "floor area" shall have the same meaning as in paragraph b of subdivision one of section four hundred twenty-one-a of this title. Nothing in this subdivision shall be construed to provide benefits pursuant to subdivision two of this section for the costs attributable to the increased cubic content in any such building or structure.

2. (a) With respect to conversions, alterations or improvements eligible to receive the benefits of subdivision one of this section, any such local law or ordinance may also provide that the duration and amount of abatement of taxes on such property, including the land, may be separately established for each of the categories of eligibility described in paragraph a of subdivision one of this section, provided that:

(1) except as provided in subparagraphs two and three of this paragraph, the annual abatement of taxes on such property, including the land, shall not be an amount greater than eight and one-third per centum of the total cost of such conversion, alterations or improvements nor shall the abatement exceed the total cost of such conversions, alterations or improvements or be effective for more than twenty years and the annual abatement of taxes in any consecutive twelve-month period shall in no event exceed the amount of taxes payable in such twelve-month period;

(2) in the case of alterations or improvements (i) pursuant to subparagraph five of paragraph (a) of subdivision one of this section which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality or any not-for-profit philanthropic organization one of whose primary purposes is providing low or moderate income housing or financed with mortgage insurance by the New York city residential mortgage insurance corporation or the state of New York mortgage agency or pursuant to a program established by the federal housing administration for rehabilitation of existing multiple dwellings in a neighborhood strategy area as defined by the United States department of housing and urban

development, or (ii) pursuant to subparagraph six of paragraph (a) of subdivision one of this section the abatement of taxes on such property, including the land, shall not exceed one hundred fifty per centum of the certified reasonable cost of the alterations or improvements, as determined under regulations of the local housing agency administering the local law, and the annual abatement of taxes shall not exceed twelve and one-half per centum of such certified reasonable cost, provided that such abatement shall not be effective for more than twenty years and the annual abatement of taxes in any consecutive twelve-month period shall in no event exceed the amount of taxes payable in such twelve-month period; or

(3) in the case of alterations or improvements carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality or any not-for-profit philanthropic organization one of whose primary purposes is providing low or moderate income housing, or financed with mortgage insurance by the New York city residential mortgage insurance corporation or the state of New York mortgage agency or pursuant to program established by the federal housing administration for rehabilitation of existing multiple dwellings in a neighborhood strategy area as defined by the United States department of housing and urban development where such alterations or improvements are done on property located in census tracts in which seventy-five percent or more of the population live in households which earn fifty percent or less of the median household income of the city in which such census tracts are located, the abatement of taxes on such property, including the land, shall not exceed one hundred fifty per centum of the certified reasonable cost of the alterations or improvements, as determined under regulations of the local housing agency administering the local law, and the annual abatement of taxes shall not exceed twelve and one-half per centum of such certified reasonable cost, provided that such abatement shall not be effective for more than twenty years and the annual abatement of taxes in any consecutive twelve-month period shall in no event exceed the amount of taxes payable in such twelve month period.

(b) Such abatement:

(1) shall begin no sooner than the first quarterly tax bill immediately following the completion of such conversion, alterations or

improvements, or

(2) in the case of any such conversion, alterations or improvements (i) completed after December thirty-first, nineteen hundred seventy-five and aided by a loan under article eight of the private housing finance law, or (ii) started after July first, nineteen hundred seventy-seven and aided by a loan under article fifteen of the private housing finance law, or (iii) started after July first, nineteen hundred eighty and aided by a loan under article eight-A of the private housing finance law or (iv) started after July first, nineteen hundred eighty and aided by a loan under section three hundred twelve of the housing act of nineteen hundred sixty-four (42 U.S.C.A. 1452b), or (v) started after July first, nineteen hundred ninety-two and aided by a loan or grant under article eleven, twelve, or twenty-two of the private housing finance law, section six hundred ninety-six-a or section ninety-nine-h of the general municipal law, or the Cranston-Gonzalez national affordable housing act (42 U.S.C.A. 12701 et. seq.), or (vi) started after July first, nineteen hundred eighty-eight by or on behalf of a company not qualifying under any of the above provisions which is a not-for-profit corporation qualified pursuant to section 501(c)(3) of the Internal Revenue Code and which has entered into a regulatory agreement with the local housing agency requiring operation of the property as housing for low and moderate income persons and families; may be commenced at the beginning of any tax quarter subsequent to the start of such conversion, alterations or improvements and prior to the completion of such conversion, alterations or improvements.

3. Any such local law or ordinance may also provide that where the improvements and alterations include or benefit that part of a building which is not occupied for dwelling purposes, the increase in assessed valuation and the cost of the alteration shall be apportioned so that the benefits of the local law or ordinance shall not be provided for improvements or alterations made for other than dwelling purposes.

4. Any such local law or ordinance may also provide that its benefits shall not become available to any multiple dwelling, building or structure as provided in paragraph (a) of subdivision one of this section unless and until such multiple dwelling, building or structure

as provided in paragraph (a) of subdivision one of this section complies with the applicable provisions of law. Any such law or ordinance may make provision as to the date as of which particular improvements and alterations shall be deemed to have been completed or commenced therefor, as the case may be, for the purpose of qualifying for the benefits thereof. Any such local law or ordinance may make provision authorizing the adoption of rules and regulations by the local agencies of government for the effectuation of the purposes of this section. Any such local law or ordinance shall provide that the benefits of this section shall apply to any multiple dwelling, building or structure as provided in paragraph (a) of subdivision one of this section, which (i) is operated exclusively for the benefit of persons or families who are entitled to occupancy by reason of ownership of stock or membership in the corporate owner, or for the benefit of such persons or families and other persons or families entitled to occupancy under applicable provisions of law without ownership of stock or membership in the corporate owner, or (ii) is owned as a condominium and is occupied as the residence or home of three or more families living independently of each other; provided, however, that any such law or ordinance shall make provision, in addition to all other conditions of eligibility for the benefits of this section, except for multiple dwellings in which units have been newly created by substantial rehabilitation of vacant buildings or conversions of non-residential buildings, that the availability of benefits under this section for such multiple dwellings, buildings or structures shall be conditioned on the following: (1) any items of work designated as a major capital improvement in the rules adopted by the local housing agency or asbestos abatement to the extent such asbestos abatement is required by federal, state or local law, and (2) (i) the assessed valuation of such multiple dwelling, building, or structure, including land, shall not exceed an average of forty thousand dollars per dwelling unit at the time of the commencement of the alterations or improvements, and (ii) the average per room sale price of the dwelling units or the stock allocated to such dwelling units shall have been no greater than thirty-five percent of the maximum mortgage amount for a single family home eligible for purchase by the Federal National Mortgage Association during the three years immediately preceding the commencement of the alterations or improvements; provided

that if less than ten percent of the dwelling units or an amount of stock less than the amount allocable to ten percent of such dwelling units was not transferred during such preceding three year period, eligibility for benefits shall be conditioned upon the multiple dwelling, building, or structure having an assessed valuation per dwelling unit of no more than forty thousand dollars at the time of the commencement of the alteration or improvements. Notwithstanding the foregoing, such local law shall also provide benefits under this section for work completed in any such multiple dwelling, building or structure within the first three years of its conversion to cooperative or condominium ownership, as evidenced by the date on which the first closing in a condominium to a bona fide purchaser occurs or in the case of a cooperative, the date on which the shares allocable to a unit are conveyed to a bona fide purchaser. Any such local law shall also limit the maximum amount of tax abatement which may be received in any tax period under this section by any such multiple dwelling, building or structure for any alterations and improvements commenced three years or more after its initial conversion to cooperative or condominium ownership to an amount not in excess of two thousand five hundred dollars per dwelling unit of the certified reasonable cost of the alterations or improvements as determined under regulations of the local housing agency administering the local law. Any such local law may also require such certifications and consents to access to records, including other tax records, as may be deemed appropriate to enforce such conditions of eligibility. Any such local law or ordinance shall provide that the local agencies of government shall establish maximum dollar limits for specified items of cost for any conversion, alterations or improvements. No costs in excess of such maximum dollar limits shall be considered in determining the benefits of this section.

4-a. Notwithstanding any contrary provision of subdivision four of this section, any such local law or ordinance shall provide that the availability of benefits under this section to any multiple dwelling, building or structure owned and operated by a limited-profit housing company established pursuant to article two of the private housing finance law shall not be conditioned upon the assessed valuation of such multiple dwelling, building or structure, including land, as calculated

as an average dollar amount per dwelling unit, at the time of the commencement of the alterations or improvements; provided, however, that such limited-profit housing company (a) is organized and operating as a mutual company, (b) continues to be organized and operating as a mutual company and to own and operate the multiple dwelling, building or structure receiving such benefits, and (c) has entered into a binding and irrevocable agreement with the commissioner of housing of the state of New York, the supervising agency, the New York city housing development corporation, or the New York state housing finance agency prohibiting the dissolution or reconstitution of such limited-profit housing company pursuant to section thirty-five of the private housing finance law for not less than fifteen years from the commencement of such benefits. For the purposes of this subdivision, the terms "mutual company" and "supervising agency" shall have the same meanings as set forth in section two of the private housing finance law.

4-a-1. Notwithstanding any contrary provision of subdivision four of this section, any such local law or ordinance shall provide that the availability of benefits under this section to any multiple dwelling, building or structure owned and operated by a redevelopment company established pursuant to article five of the private housing finance law shall not be conditioned upon the assessed valuation of such multiple dwelling, building or structure, including land, as calculated as an average dollar amount per dwelling unit, at the time of the commencement of the alterations or improvements: provided, however, that such redevelopment company (a) is organized and operating as a mutual redevelopment company, (b) continues to be organized and operating as a mutual redevelopment company and to own and operate the multiple dwelling, building or structure receiving such benefits, and (c) has entered into a binding and irrevocable agreement with the commissioner of housing and community renewal, the supervising agency, the New York city housing development corporation, or the New York state housing finance agency prohibiting the dissolution or reconstitution of such redevelopment company pursuant to section one hundred twenty-three of the private housing finance law until the earlier to occur of: (i) in fifteen years from the commencement of such benefits, or (ii) the expiration of any tax exemption granted to such redevelopment company

pursuant to section one hundred twenty-five of the private housing finance law. For the purposes of this subdivision, the terms "mutual" and "supervising agency" shall have the same meanings as set forth in section one hundred two of the private housing finance law.

4-b. Notwithstanding any contrary provision of the private housing finance law, any such local law shall provide that the benefits of this section shall apply to any limited profit housing company as provided in this section. In addition to the limitations set forth in subdivision eleven of this section, such multiple dwelling, building or structure shall be eligible for benefits only where at least one building wide improvement or alteration is part of the application for benefits. Furthermore, to the extent that such alterations or improvements are financed with grants, loans or subsidies from any federal, state, or local agency or instrumentality, such multiple dwelling, building or structure shall be eligible for benefits only if the limited profit housing company has entered into a binding and irrevocable agreement with the commissioner of housing of the state of New York, the supervising agency, as such term is defined in section two of the private housing finance law, the New York city housing development corporation, or the New York state housing finance agency prohibiting the dissolution or reconstitution of such limited profit housing company pursuant to section thirty-five of the private housing finance law for not less than fifteen years from the commencement of such benefits. The abatement of taxes on such property, including the land, shall not be an amount greater than ninety per centum of the certified reasonable cost of such alterations or improvements, as determined under regulations of the local housing agency administering the local law, nor greater than eight and one-third percent of such certified reasonable cost in any twelve month period, nor be effective for more than twenty years. The annual abatement of taxes in any twelve month period shall in no event exceed fifty percent of the amount of taxes payable in such twelve month period pursuant to the applicable exemption granted pursuant to article two of the private housing finance law or other applicable laws or fifty percent of payments made in lieu of taxes in such twelve month period.

4-c. (a) Any such local law may also provide that a group of multiple

dwelling which was developed as a planned community and which is owned as two separate condominiums containing a total of ten thousand or more dwelling units shall be eligible for tax exemption and abatement as provided in this subdivision.

(b) Any increase in assessed valuation resulting from alterations or improvements to one or more multiple dwellings in a planned community described in paragraph (a) of this subdivision shall be exempt from taxation for local purposes. Such exemption shall be equal to the increase in the valuation which is subject to exemption under this paragraph for thirty years. After such period of time, the amount of such exempted assessed value shall be reduced by twenty percent in each succeeding year until the assessed value of the alterations or improvements is fully taxable. Such exemption may commence at the beginning of any tax quarter subsequent to the start of such alterations or improvements. In no event shall such alterations or improvements directly or indirectly result in an equalization increase in the assessed valuation of any multiple dwelling forming part of the planned community where such alterations or improvements are performed.

(c) The abatement of taxes on a planned community described in paragraph (a) of this subdivision, including the land, shall not exceed the greater of (i) one hundred fifty per centum of the certified reasonable cost of the alterations or improvements, as determined under the regulations of the local housing agency administering the local law, and (ii) the construction cost of the alterations or improvements identified in such regulations. Such abatement shall not be effective for more than twenty years and the annual abatement of taxes in any consecutive twelve-month period shall not be greater than ten per centum of the total abatement granted and shall not exceed the amount of taxes payable in such consecutive twelve-month period. Such abatement shall begin no sooner than the first quarterly tax bill immediately following the completion of such alterations or improvements. The limitations set forth in subdivision four of this section for multiple dwellings, buildings and structures owned as condominiums shall be inapplicable to benefits granted pursuant to this subdivision. Abatement benefits granted pursuant to this subdivision shall be apportioned among all of the condominium tax lots within the condominium in which the alterations or improvements are made, although such alterations or improvements may

have been made to one or fewer than all of the multiple dwellings therein.

(d) In the event that multiple alterations or improvements are undertaken in a planned community described in paragraph (a) of this subdivision and separate applications for benefits therefor are made, all requirements concerning physical condition of and compliance with law by the multiple dwellings in such planned community shall apply only upon completion of all such alterations or improvements, provided that all such alterations or improvements are completed within six years.

(e) Except as provided in this subdivision, all of the requirements imposed by this section on projects described in paragraph (a) of subdivision one of this section shall be applicable to alterations or improvements granted benefits pursuant to this subdivision.

(f) This subdivision shall be applicable only to alterations or improvements completed prior to December thirty-first, two thousand five.

5. To the end that conversions, alterations, and improvements aided by this section shall interfere as little as practicable with urgently needed public improvements or the clearance, rehabilitation, or rebuilding of substandard and unsanitary areas, and shall be confined to multiple dwellings, buildings or structures as provided in paragraph (a) of subdivision one of this section which are structurally sound, such local law or ordinance may provide that exemption or abatement from taxation hereunder shall be restricted to multiple dwellings, buildings or structures as provided in paragraph (a) of subdivision one of this section (a) which the local planning commission in any such city shall certify will not interfere with projected public improvements or the clearance and rebuilding of substandard and insanitary areas, and (b) which the local building department certifies to be structurally sound and (c) which, if in an area approved for clearance, replanning, reconstruction or neighborhood rehabilitation pursuant to chapter eight hundred eighty-seven of the laws of nineteen hundred forty-five, as from time to time amended, or if in an area designated for studies, tests, demonstrations and other activities for the prevention and elimination of slums and urban blight pursuant to chapter six hundred eight of the laws of nineteen hundred fifty-six as from time to time amended, or if

in an area for which a preliminary or final plan has been approved pursuant to chapters six hundred eighty-eight of the laws of nineteen hundred fifty-seven or nine hundred twenty-four of the laws of nineteen hundred fifty-eight, as from time to time amended, or chapter nine hundred seventy-one of the laws of nineteen hundred sixty, or if in an area for which an urban renewal plan or tests, studies or demonstrations have been approved pursuant to article fifteen of the general municipal law, is certified by the project board for the area as a dwelling which is to be or has been improved in conformity with such replanning, reconstruction, neighborhood improvement, studies, tests, demonstrations or plan.

6. Notwithstanding the provisions of the multiple dwelling law, multiple residence law, and any local law, ordinance, rule or regulation, any city to which this section is applicable acting through its local legislative body may provide, in a manner that shall be uniform as to any particular type or class of multiple dwelling, building or structure as provided in paragraph (a) of subdivision one of this section, that, any multiple dwelling, building or structure as provided in paragraph (a) of subdivision one of this section to which alterations and improvements are made pursuant to this section and which did not require a certificate of occupancy on April second, nineteen hundred forty-five, and, in the case of multiple dwellings, buildings or structures as provided in paragraph (a) of subdivision one of this section to which the multiple residence law is applicable, on July first, nineteen hundred fifty-two, may not be occupied lawfully after such date upon the completion of such alterations and improvements without a certificate of occupancy.

7. Any local law or ordinance may also provide any or all of the following:

(a) The benefits of this section shall not apply to any multiple dwelling, building or structure as provided in paragraph (a) of subdivision one of this section in which rents, subsequent to alterations and improvements, shall exceed such amount, if any, as may be fixed by the local legislative body or by the municipal agency designated by the local legislative body of the municipality involved,

based upon a standard formula.

(b) (1) The benefits of this section shall not apply to any multiple dwelling, building or structure as provided in paragraph (a) of subdivision one of this section which is not subject to the provisions of the emergency housing rent control law or to local law enacted pursuant to the local emergency housing rent control act, where the local legislative body or other governing agency of the municipality involved shall prescribe that the benefits herein provided shall not apply to such multiple dwelling, building or structure as provided in paragraph (a) of subdivision one of this section provided that such local legislative body or other governing agency shall not use the authority conferred in this paragraph (b) to rescind any benefits granted under former section five-h of the tax law prior to July first, nineteen hundred fifty-eight; and further provided that where the benefits provided herein or under such former section five-h of the tax law are granted or had been granted on or after July first, nineteen hundred fifty-eight, to any multiple dwelling, building or structure which is decontrolled subsequent to the granting of such benefits, the local legislative body or other governing agency may withdraw such benefits from such dwelling.

(2) Any dwelling unit subject to rent regulation on or before the effective date of this subparagraph as a result of receiving a tax exemption or abatement pursuant to this section shall be subject to such regulation until the occurrence of the first vacancy of such unit after such benefits are no longer being received at which time such unit shall be deregulated or if each lease and renewal thereof for such unit for the tenant in residence at the time of the expiration of the tax benefit period has included a notice in at least twelve point type informing such tenant that the unit shall become subject to deregulation upon the expiration of such tax benefit period and states the approximate date on which such tax benefit period is scheduled to expire, such dwelling unit shall be deregulated as of the end of the tax benefit period; unless such unit would have been subject to regulation under the rent stabilization law of nineteen hundred sixty-nine or the emergency tenant protection act of nineteen seventy-four.

(c) The benefits of this section shall apply to any multiple dwelling, building or structure as provided in paragraph (a) of subdivision one of

this section occupied, as a rule, for permanent residence purposes and which is not used in whole or in part for single room occupancy and which is not subject to the provisions of the emergency housing rent control law or to local law enacted pursuant to the local emergency housing rent control act, provided that it is located within an area which has been designated by the local planning commission under the provisions of section seventy-two-m of article fifteen of the general municipal law or where a program of local neighborhood improvement or housing maintenance is being carried out under the supervision or with the assistance of the local government and provided that the rents or carrying charges, subsequent to alterations and improvements, (1) shall not exceed such amount, if any, as may be fixed by the local legislative body or by the municipal agency designated by the local legislative body of the municipality involved, based upon a standard formula, or (2) where the local legislative body so provides, shall not exceed such amount, if any, as may be fixed for such multiple dwelling, building or structure as provided in paragraph (a) of subdivision one of this section pursuant to any local law enacted pursuant to the local emergency housing rent control act, and further provided that prior to such alterations and improvements, the multiple dwelling, building or structure as provided in paragraph (a) of subdivision one of this section, if a multiple dwelling, was either a multiple dwelling occupied, as a rule, as a temporary or transient residence or occupied, as a rule, for permanent residence purposes and used in whole or in part for single room occupancy.

(d) The benefits of this section shall apply to any building or structure as provided in paragraph (a) of subdivision one of this section, provided that the rents or carrying charges subsequent to conversion (1) shall not exceed such amount, if any, as may be fixed by the local legislative body or by the municipal agency designated by the local legislative body of the municipality involved, based upon a standard formula, or (2) where the local legislative body so provides, shall not exceed such amount, if any, as may be fixed for such dwelling pursuant to any local law enacted pursuant to the local emergency housing rent control act.

8. Notwithstanding any other provision of this section the benefits of

this section shall not apply to any private dwelling unless it is in an area defined by clause (c) of subdivision five of this section and is certified by the project board for the area as a dwelling which is to be or has been improved in conformity with such replanning, reconstruction, neighborhood improvement, studies, tests, demonstrations or plan. Notwithstanding the foregoing, for purposes of this section and any local law enacted pursuant hereto a class A multiple dwelling may be deemed to include any garden-type maisonette dwelling project consisting of a series of dwelling units which together and in their aggregate were arranged or designed to provide three or more apartments and are provided as a group collectively with all essential services such as, but not limited to, water supply, house sewers and heat, and which are in existence and operated as a unit under single ownership on the date upon which an application for the benefits of this section is received by the city, even though certificates of occupancy were issued for portions thereof as private dwellings.

8-a. Notwithstanding the provisions of subdivision eight of this section to the contrary, unless excluded by local law, the benefits of this section may apply to: (i) alterations or improvements to any private dwelling; (ii) conversion of any private dwelling to a multiple dwelling; or (iii) conversion of any multiple dwelling to a private dwelling, provided that such alterations, improvements or conversion are part of a project which has applied for or is receiving benefits pursuant to this section and shall be aided by a grant loan, or subsidy from any federal, state, or local agency or instrumentality.

9. (a) During the period of such exemptions the assessment on any such land and dwelling after such alterations and improvements, exclusive of the increase in valuation which is subject to exemption in full or proportionally under subdivision one of this section, shall not exceed the valuation of the previously existing dwelling appearing on the assessment rolls after the taxable status date immediately preceding the commencement of such alterations and improvements plus the value of the land, any improvements other than those made under the provisions of this section and the proportion of increased assessed valuation that is not exempt from taxation under this section, which proportion shall

remain constant during the term of the exemption. Where the alteration or improvement qualifies under subparagraph two of paragraph (a) of subdivision two of this section or under clause (A) or (B) of subparagraph one of paragraph (a) of subdivision eleven of this section, the exemption shall also include an exemption from taxation for local purposes for twelve years upon that portion of the assessment, if any, which exceeds the transition assessment, as defined in subdivision two of section eighteen hundred five of this chapter, in effect at the time of the commencement of the exemption hereunder.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, except as provided in subparagraph three of this paragraph, for buildings in which alterations, improvements or conversions qualifying for an exemption under this section are commenced on or after the date on which this paragraph becomes a law:

(1) The assessed value of the building during the period of the exemption shall be pro-rated between the exempt and taxable portions of the building assessment so that throughout the exemption period the exempt portion of the building assessment shall bear the same relationship to the non-exempt portion of the building assessment as it did on the final tax roll on which an exemption was first available to such building for alterations or improvements made pursuant to this section or on the last tax roll on which such ratio was changed by reason of additional improvements, whichever results in the greatest percentage of exempt assessed valuation; provided, however, that increases in building value due to (i) additional improvements that do not qualify for an exemption under this section, (ii) increases in the value of non-residential portions of the building, or (iii) non-exempt additions to cubic content shall not be pro-rated, but shall be fully taxable.

(2) Reductions in the assessed value of the building during the period of the exemption shall be pro-rated between the taxable and exempt portions of the building assessment in the proportion which was established pursuant to subparagraph one of this paragraph on the final tax roll for the first fiscal year for which an exemption was granted pursuant to this section, or on the last tax roll on which such ratio was changed by reason of additional improvements, whether exempt or non-exempt, or due to changes in the assessed value of fully taxable

space. In no case, however, shall the value of an exemption granted pursuant to this section be reduced during the period for which such exemption was granted, by reason of a reduction in the assessed value of the building, to an amount less than the amount of exemption appearing on the first tax roll following the grant of this exemption.

(3) During the first three years of such exemptions, the assessment on any such land and dwelling shall be determined in accordance with paragraph (a) of this subdivision.

10. In cities with a population of one million or more, any such local law or ordinance may require that, prior to application for any tax exemption or abatement pursuant to this section, relocation awards be paid to certain displaced manufacturing and other tenants under the terms and conditions set forth below:

(a) Relocation awards for certain tenants of non-residential buildings. Such local law or ordinance shall limit eligibility for such a relocation award to former tenants and former subtenants of premises in a non-residential building which is the subject of an application for an alteration permit for conversion to a class A multiple dwelling, who:

(1) leased and used the vacated premises to conduct a manufacturing, warehousing, or wholesaling business for not less than two consecutive years immediately prior to vacating;

(2) vacated such premises on or after April first, nineteen hundred eighty-one for any reason other than eviction for non-payment of rent;

(3) vacated such premises (i) no earlier than twenty-four months prior to the filing date of an application for such alteration permit and (ii) no later than the completion of the conversion as evidenced by the issuance of a permanent certificate of occupancy for a class A multiple dwelling;

(4) either purchased or leased for a term of not less than eighteen months other premises within such city with a floor area not less than one-third of the floor area of the vacated premises;

(5) relocated their business to such other premises within one year of vacating the vacated premises; and

(6) paid all commercial rent or occupancy tax for the vacated premises. A subtenant shall be eligible to receive a relocation award notwithstanding any lack of eligibility of its prime tenant.

(b) Amount of relocation award. The relocation award shall not exceed the greater of (1) all the base rent that accrued and was paid by the eligible tenant during the final twenty-four months of its occupancy of the vacated premises or (2) four dollars for each square foot that the eligible tenant occupied in the vacated premises during the final twenty-four months of its occupancy of the vacated premises. As used in this subdivision, base rent shall be calculated in the same manner as base rent is calculated for purposes of commercial rent or occupancy tax in the city of New York, or in any such city. However, the aggregate award payable to a prime tenant and any subtenants of such prime tenant shall not exceed the amount which would have been payable to the prime tenant had the prime tenant been eligible for an award based on the entire floor area it leased from the owner; and if such limitation applies, the awards shall be prorated based upon the total floor area used and occupied by each eligible tenant.

(c) Payment of award. The relocation award shall become due and payable to an eligible tenant at the time the eligible tenant either purchases or leases other premises in accordance with paragraph (a) above within such city and certifies eligibility to and demands payment of the award from the owner of the vacated building. If the relocation award is not paid within thirty days of such certification and demand, interest shall accrue on the relocation award from the date of certification and demand at the rate of twenty-four percent per annum.

(d) Notice of claim. At any time after such certification and demand and prior to the date of the filing of an application for tax exemption or abatement for the vacated building pursuant to this section, an eligible tenant who has not received a relocation award shall have a right to file a notice of claim. Such notice of claim shall be filed with the county clerk of the county in which the vacated building is located and shall verify the claimant's name, its compliance with eligibility requirements, the address of the vacated premises, the floor area it occupied, the name of the prime tenant if the claimant is a subtenant, and all the base rent that accrued and was paid by the claimant during the final twenty-four months of its occupancy.

(e) Discharge of notice of claim. A notice of claim may be discharged by filing an undertaking with the clerk of the county in which the premises are located in an amount equal to the amount claimed in

accordance with the procedures set forth in subdivision four of section nineteen of the lien law, or by payment into court of such amount in accordance with the procedures set forth in section fifty-five of the lien law.

(f) Affidavit and notice as a condition to tax benefits. No tax exemption or abatement shall be granted pursuant to this section unless the local municipal agency responsible for administering this section receives an affidavit from the applicant which verifies that:

(1) the applicant has caused to be published a notice in a newspaper of general circulation within the city, no later than sixty days prior to filing of an application for tax exemption or abatement pursuant to this section, which advises former tenants and subtenants of their rights pursuant to any local law or ordinance enacted pursuant to this subdivision; and

(2) no notice of claim has been filed or all claims have been released by the claimant, secured in accordance with the provisions of paragraph (e) of this subdivision, or discharged as an improper claim by a court order.

(g) Action on claim. If an eligible tenant or subtenant has duly filed a notice of claim pursuant to this subdivision and does not receive a relocation award as provided herein, it may commence an action against any applicant who filed a false affidavit pursuant to paragraph (f) of this subdivision within three years of such filing or any security posted by such applicant pursuant to paragraph (e) of this subdivision. In any action to enforce a claim pursuant to this subdivision, if the court finds that the claimant has wilfully exaggerated the amount of the claim, the claimant may be held liable in damages for an amount not to exceed the proper relocation award. An eligible tenant in whose favor a judgment is entered shall be entitled to costs and reasonable legal fees and disbursements provided that such judgment is in excess of the amount which the applicant or owner offered to pay the eligible tenant.

(h) Waiver. Any lease provision exempting, releasing or discharging the obligation to pay a relocation award pursuant to this subdivision shall be deemed to be void as against public policy and wholly unenforceable.

(i) Local zoning resolution. The provisions of this subdivision shall not apply if the local zoning resolution expressly provides for

relocation loans and/or grants in lieu of the benefits of this subdivision.

11. Limitations of benefits. (a) Applicability. The provisions of this subdivision apply to all conversions, alterations and improvements under this section. However, they shall not apply to:

(1) alterations or improvements under subparagraph two, three or four of paragraph (a) of subdivision one of this section, where carried out:

(A) with the substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality, or any not-for-profit philanthropic organization one of whose primary purposes is providing low or moderate income housing; or

(B) with mortgage insurance by the New York city residential mortgage insurance corporation or the state of New York mortgage agency; or

(C) in a neighborhood preservation area, as such areas were designated by the New York city planning commission as of June first, nineteen hundred eighty-three, provided that such area or part of such area wherein the property is located has been approved as provided herein by the city council of the city of New York. No such area or part thereof shall be approved by the city council until notice of the area or part thereof proposed to be approved is submitted to every community board with jurisdiction over the area or part thereof, and (i) every such community board has made and submitted to the city council comments as to the proposed approval, or (ii) forty-five days have elapsed since such notice was submitted to such community boards, whichever is earlier; and

(D) pursuant to a program established by the federal housing administration, federal national mortgage association, federal home loan mortgage corporation or government national mortgage association for the rehabilitation of existing multiple dwellings for persons of low or moderate income, or a program of mortgage insurance for the rehabilitation of existing multiple dwellings pursuant to section two hundred twenty-three-f of the national housing act as amended, or a program of mortgage insurance established by the federal housing administration for the rehabilitation of existing multiple dwellings for persons of low or moderate income; provided that properties receiving benefits under such programs are located in a neighborhood strategy

area, as defined, by the United States department of housing and urban development, or a neighborhood preservation area, as such areas were designated by the New York city planning commission, as of June first, nineteen hundred eighty-three.

(2) alterations or improvements under subparagraphs five and six of paragraph (a) of subdivision one of this section; or

(2-a) Conversion of buildings or structures to class A multiple dwellings pursuant to subparagraph one of paragraph (a) of subdivision one of this section, where such conversions are undertaken by a not-for-profit philanthropic organization or undertaken on properties which receive mortgage insurance from the New York city residential mortgage insurance corporation, or state of New York mortgage agency, provided that such property is (i) located in a neighborhood preservation area as such areas were designated by the city planning commission on June first, nineteen hundred eighty-three, and (ii) such property has been vacant since January first, nineteen hundred eighty-two, and (iii) prior to becoming vacant such property was last utilized for governmental, educational, hospital or nursing home purposes.

(3) conversions of residential units qualified for the protection of article seven-C of the multiple dwelling law under subparagraph one of paragraph (a) of subdivision one of this section.

(b) Abatement limitations. The amount of abatement under subdivision two of this section shall not exceed the certified reasonable cost of the conversion, alteration or improvement, as determined under regulations of the local housing agency administering the local law, provided that the amount of certified reasonable cost eligible for abatement under this section shall not exceed fifteen thousand dollars for a dwelling unit of three and one-half rooms and a comparable amount for dwelling units of other sizes, under regulations of the local housing agency, and further provided that the amount of certified reasonable cost eligible for abatement under this section may exceed fifteen thousand dollars or such comparable amount per dwelling unit, but not more than twenty-five percent above such amount, upon application of the property owner and a determination by the housing agency that:

(1) in the case of a conversion under subparagraph one of paragraph

(a) of subdivision one of this section, the increased cost is necessary to comply with applicable law; or

(2) in the case of an alteration or improvement under subparagraph two of paragraph (a) of subdivision one of this section, the increased cost is necessary to eliminate the unhealthy or dangerous conditions or replace the inadequate and obsolete facilities in a satisfactory manner; or

(3) in the case of an alteration or improvement under subparagraph three of paragraph (a) of subdivision one of this section, the increased cost is necessary to conserve energy in a satisfactory manner; or

(4) in the case of an alteration or improvement under subparagraph four of paragraph (a) of subdivision one of this section, the increased cost, to the extent such cost is not offset by any and all tax credits received as a result of the alteration or improvement, is necessary to comply with any provision of law regulating historic or landmark buildings or structures.

(b-1) For the purpose of the abatement limitations contained in the opening paragraph of paragraph (b) of this subdivision, the number of rooms in a dwelling unit shall be calculated in the following manner: Each dwelling unit with at least one room which either (1) contains no cooking facilities and measures at least one hundred fifty square feet, or (2) contains cooking facilities and measures at least two hundred thirty square feet, shall count as two and one-half rooms. Every other room in the dwelling unit separated by either walls or doors, including bedrooms, shall count as an additional room, provided, however, that kitchens, cooking facilities, bathrooms, corridors or balconies shall not count as an additional room. To be included, a room must meet the requirements of habitability as provided in the relevant housing maintenance code.

(c) Exemption limitations. (1) The increase in assessed valuation of the real property located in the borough of Manhattan south of or adjacent to the south side of one hundred tenth street resulting from the conversion, alteration or improvement under paragraph (a) of subdivision one of this section, shall be exempt from taxation as provided in this section, only to the extent provided in this subparagraph. The amount of the increased assessed valuation that is exempt from taxation shall depend on the amount of the total assessed

valuation per dwelling unit calculated by dividing the amount of the total assessed valuation of the property, as determined under this chapter, by the number of dwelling units in the building after completion of the conversion, alteration or improvement. The amount of increased assessed valuation that will be exempt from taxation for buildings with total assessed valuation per dwelling unit of less than thirty-eight thousand dollars shall be calculated pursuant to the following formula: (A) any portion of total assessed valuation of the property attributable to the first eighteen thousand dollars of total assessed valuation per dwelling unit, to the extent it represents increased assessed valuation, shall be one hundred percent exempt; (B) any portion of total assessed valuation attributable to the next four thousand dollars of total assessed valuation per dwelling unit, to the extent it represents increased assessed valuation, shall be seventy-five percent exempt; (C) any portion of total assessed valuation attributable to the next four thousand dollars of total assessed valuation per dwelling unit, to the extent it represents increased assessed valuation, shall be fifty percent exempt; (D) any portion of total assessed valuation attributable to the next four thousand dollars of total assessed valuation per dwelling unit, to the extent it represents increased assessed valuation, shall be twenty-five percent exempt; (E) any portion of total assessed valuation attributable to the next eight thousand dollars of total assessed valuation per dwelling unit, to the extent it represents increased assessed valuation per dwelling unit, shall be fully taxable. Property with a total assessed valuation per dwelling unit of thirty-eight thousand dollars or more shall not be eligible for a tax exemption under this section.

(2) In calculating the amount of increased assessed valuation that will be exempt from taxation pursuant to the formula in subparagraph one of this paragraph, the full amount of total assessed valuation that does not represent increased assessed valuation shall be applied in such formula prior to the inclusion of any amount of increased assessed valuation.

(3) Where the real property is occupied in part for residential purposes and in part for non-residential purposes, the assessed valuation of the property shall be appropriately allocated between the residential and non-residential portions. In computing the total

assessed valuation per dwelling unit under this paragraph, only the amount of valuation so allocated to the residential portion shall be considered.

(4) Commencing with the assessment roll for the year nineteen hundred eighty-four, where there has been a change in the level of assessment from the assessment roll of the prior year of properties receiving exemptions under this section, the local agency responsible for assessment of real property may petition the commissioner to certify the percentage of such change for the purposes of this section. In such petition, the local agency shall submit such information as the commissioner shall require in order to certify the percentage of such change. The commissioner may also make such a certification on its own motion. Upon receipt of such certification from the commissioner, the local housing agency may modify the dollar values of total assessed valuation per dwelling unit in subparagraph one of this paragraph to reflect the percentage change in the level of assessment as shown in such certification. As used in this subparagraph, the term "change in the level of assessment" means the net increase or decrease in the assessed valuation of properties in the assessing unit that received exemptions under this section in the current year as compared to those that received exemptions under this section in the prior year as a result of assessing such properties at a higher or lower ratio of full value.

(5) (A) Notwithstanding the provisions of subparagraph one of this paragraph, the local housing agency may reduce or remove the limitations on the exemption from taxation provided in such subparagraph with respect to a particular property undergoing alteration or improvement, upon application of the property owner and a determination by the agency that:

(i) The increased benefit will increase the number of dwelling units or improve the quality of dwelling units that will be affordable to persons of low or moderate income; and

(ii) The increased benefit is necessary to make economically viable the increase in the number of dwelling units or improvement in the quality of dwelling units that will be affordable to persons of low or moderate income.

(B) As used in this subparagraph, the term persons of low or moderate

income shall be persons who would qualify for housing subsidies pursuant to section two hundred thirty-five of the national housing act, as amended, at one hundred thirty-five percent of the income limitations provided herein.

(C) Upon receiving an application under this subparagraph in proper form, the local housing agency shall immediately submit it to the community board for the area in which the project is located, which may, within forty-five days of receiving it and after a public hearing, make recommendations to the agency as to the application. The agency shall act on the application within sixty days of receiving it from the property owner in proper form, but not before expiration of the time for the community board to make its recommendations, unless the board has acted sooner.

(d) The local housing agency may set forth preliminarily the terms of a determination under paragraph (b) or (c) of this subdivision prior to the commencement of the conversion, alteration or improvement. Any such determination shall take effect after completion of the work.

(e) Publication of local housing agency determinations. Any determination of the local housing agency to increase an abatement under paragraph (b) of this subdivision or to reduce or remove the exemption limitations under paragraph (c) of this subdivision shall state the basis for the determination and the data on which the determination was based. Such determination shall be published in the official publication of the city, or if no such publication exists in a newspaper with general circulation in the city, for five consecutive days after the determination is rendered.

(f) Proration of assessed valuation. Notwithstanding the provisions of paragraph (b) of subdivision nine of this section, the provisions of this paragraph shall apply to changes in assessments resulting from conversion, alterations or improvements which are not subject to the abatement or exemption limitations of paragraphs (b) and (c) of this subdivision. During the period of such exemptions the assessment on any such land and dwelling after such alterations and improvements, exclusive of the increase in valuation which is subject to exemption in full or proportionally under subdivision one of this section, shall not exceed the valuation of the previously existing dwelling appearing on the assessment rolls after the taxable status date immediately preceding

the commencement of such alterations and improvements plus the value of the land, any improvements other than those made under the provisions of this section and the proportion of increased assessed valuation that is not exempt from taxation under this section, which proportion shall remain constant during the term of the exemption. Where the alteration or improvement qualified under subparagraph two of paragraph (a) of subdivision two of this section or under clause (A) or (B) of subparagraph one of paragraph (a) of this subdivision, the exemption shall also include an exemption from taxation for local purposes for twelve years upon that portion of the assessment, if any, which exceeds the transition assessment, as defined in subdivision two of section eighteen hundred five of this chapter, in effect at the time of commencement of the exemption hereunder.

12. Harassment. (a) The provisions of this subdivision apply to and are additional requirements for claiming or receiving:

(1) any tax exemption under this section; or

(2) any tax abatement under this section where the certified reasonable cost per dwelling unit of the conversion, alteration or improvement (including the cost of any conversion, alteration or improvement for which an abatement was approved within four years prior to commencement of the conversion, alteration or improvement) exceeds seven thousand five hundred dollars.

(b) The owner of the property shall, not less than thirty days before the commencement of the conversion, alteration or improvement (hereinafter referred to as the "cut-off date"), file with the local housing agency administering the local law, an affidavit or, where any information referred to in subparagraph one of this paragraph changes prior to applying for or claiming any benefit under this section, an amending affidavit, setting forth the following information:

(1) every owner of record and owner of a substantial interest in the property or entity owning the property or sponsoring the conversion, alteration or improvement;

(2) a statement that none of such persons had, within the five years prior to the cut-off date, been found to have harassed or unlawfully evicted tenants by judgment or determination of a court or agency (including a non-governmental agency having appropriate legal

jurisdiction) under the penal law, any state or local law regulating rents or any state or local law relating to harassment of tenants or unlawful eviction; and

(3) any change in the information required to be set forth.

(c) No conversion, alteration or improvement subject to this subdivision shall be eligible for tax exemption or tax abatement under this section where:

(1) any affidavit required under this subdivision has not been filed; or

(2) any such affidavit contains a willful misrepresentation or omission of any material fact; or

(3) any person referred to in subparagraph one of paragraph (b) of this subdivision has been found to have harassed or unlawfully evicted tenants as described in that paragraph, until and unless the finding is reversed on appeal, provided that any such finding after the cut-off date shall not apply to or affect any tax abatement or exemption for the conversion, alteration or improvement covered by the affidavit.

(d) The local housing agency administering this law and the local government agency responsible for real property tax assessment shall maintain a list of affidavits as described in paragraph (b) of this subdivision. Each agency shall review that list with respect to each application or claim for benefits subject to this subdivision.

(e) "Substantial interest" as used in subparagraph one of paragraph (b) of this subdivision shall mean ownership of an interest of ten per centum or more in the property or entity owning the property or sponsoring the conversion, alteration or improvement.

(f) Where the conversion, alteration or improvement is commenced before August first, nineteen hundred eighty-three, the cut-off date shall be as set forth in this subdivision, but no affidavit shall be required to be filed until thirty days after the effective date of this subdivision.

13. Additional limitation. The benefits of this section shall not apply to any conversion of or alteration or improvement to any class B multiple dwelling or class A multiple dwelling used in whole or in part for single room occupancy, regardless of the status or use of the building after the conversion, alteration or improvement unless such

conversion, alteration or improvement is carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality.

14. Conversion of properties to residential use. The benefits of this section shall not apply to any conversion of property to residential use where the conversion was contrary to the applicable zoning resolution and was permitted only by virtue of a variance as to use, unless the local law is amended to explicitly provide that benefits shall be available in such cases. The provisions of this subdivision do not apply to conversions of residential units qualified for the protection of article seven-C of the multiple dwelling law under subparagraph one of paragraph (a) of subdivision one of this section.

15. Authority of city to limit local law. Where a city enacts or amends a local law under this section, the local law may restrict, limit or condition the eligibility, scope or amount of the benefits under the local law in any manner, provided that the local law may not grant benefits beyond those provided in this section.

16. Institutional lenders; cost certification. The rules of the local housing agency administering such local law or ordinance shall make provision for circumstances in which an institutional mortgage lender (as defined in such rules) which has provided financing for alterations or improvements to a building or structure and has become a successor in interest (as defined in such rules) to the original owner of such building or structure, after diligent efforts to obtain original contracts, checks and other records normally reviewed by such agency to verify claimed costs, is unable to obtain part or all of such records. Under such circumstances the rules shall permit substitution in whole or in part, as the case may be, of documentation certified by the lender showing the amounts advanced by the lender pursuant to the mortgage loan to finance such alterations or improvements, along with such other documentation as the agency may require.

17. (a) For purposes of this subdivision, "substantial governmental assistance" shall mean:

(i) grants, loans or subsidies from any federal, state or local agency or instrumentality in furtherance of a program for the development of affordable housing approved by the local housing agency, including, without limitation, financing or insurance provided by the state of New York mortgage agency of the New York city residential mortgage insurance corporation; or

(ii) a written agreement between a housing development fund corporation and the local housing agency limiting the incomes of persons entitled to purchase shares or rent housing accommodations therein.

(b) Any local law or ordinance providing for benefits pursuant to this section must also provide the following with respect to conversions, alterations or improvements completed on or after December thirty-first, two thousand eleven:

(i) except as otherwise provided in this section with respect to multiple dwellings, buildings and structures owned and operated either by limited-profit housing companies established pursuant to article two of the private housing finance law or redevelopment companies established pursuant to article five of the private housing finance law, or with respect to a group of multiple dwellings that was developed as a planned community and that is owned as two separate condominiums containing a total of ten thousand or more dwelling units, any multiple dwelling, building or structure that is owned as a cooperative or a condominium that has an average assessed value per dwelling unit that exceeds the assessed valuation limitation as provided in paragraph (c) of this subdivision shall only be eligible for such benefits if the alterations or improvements for which such multiple dwelling, building or structure has applied for the benefits pursuant to this section were carried out with substantial governmental assistance; and

(ii) no benefits pursuant to this section shall be granted for the conversion of any non-residential building or structure into a class A multiple dwelling unless such conversion was carried out with substantial governmental assistance.

(c) Assessed value limitation. (i) For final assessment rolls to be completed prior to two thousand seventeen, the assessed value limitation shall be thirty thousand dollars.

(ii) For the final assessment roll to be completed in two thousand seventeen the assessed value limitation shall be thirty-two thousand

dollars increased by the cost-of-living adjustment percentage of two thousand seventeen. For the purposes of this computation, the cost-of-living adjustment percentage of two thousand seventeen shall be equal to the "applicable increase percentage" used by the United States commissioner of social security to determine the monthly social security benefits payable in two thousand seventeen to individuals, as provided by subsection (i) of section four hundred fifteen of title forty-two of the United States code.

(iii) For final assessment rolls to be completed in each ensuing year, the applicable assessed value limitation, cost-of-living adjustment percentage and applicable increase percentage shall all be advanced by one year, and the assessed valuation limitation shall be the previously applicable assessed value limitation increased by the new cost-of-living adjustment percentage. If there should be a year for which there is no applicable increase percentage due to a general benefit increase as defined by subdivision three of subsection (i) of section four hundred fifteen of title forty-two of the United States code, the applicable increase percentage for purposes of this computation shall be deemed to be the percentage which would have yielded that general benefit increase.

(iv) Notwithstanding anything to the contrary contained herein, the assessed value limitation shall not at any time exceed forty thousand dollars.

18. Any local law or ordinance providing for benefits pursuant to this section must also provide, with respect to conversions, alterations or improvements for which application was made after the effective date of this subdivision, that if such conversions, alterations or improvements are not completed on the date upon which such local housing agency inspects the items of work claimed in such application, the local housing agency shall require the applicant to pay two times the actual cost for any additional inspections needed to verify the completion of such conversion, alteration or improvement.

19. The revocation of benefits granted to any multiple dwelling, building or structure pursuant to this section shall not exempt any dwelling unit therein from continued compliance with the requirements of

this section or of any local law or ordinance providing for benefits pursuant to this section.

20. Notwithstanding the provisions of any general, special or local law or any local ordinance providing for benefits pursuant to this section the department may require that the applications for exemption or abatement under this section that are filed on or after a date specified in such local law or ordinance be filed electronically.

21. (a) Definitions. For the purposes of this subdivision:

(1) "Affordable rent" shall mean the maximum rent within the marketing band that is allowed for an affordable rental unit as such rent is established by the local housing agency.

(2) "Affordable rental unit" shall mean a dwelling unit in an eligible rental building that, as of the filing of an application for a certificate of eligibility and reasonable cost, has a rent at or below the affordable rent.

(3) "Certificate of eligibility and reasonable cost" shall mean a document issued by the local housing agency that establishes that a property is eligible for rehabilitation program benefits and sets forth the certified reasonable cost of the eligible construction for which such benefits shall be received.

(4) "Certified reasonable cost schedule" shall mean a table providing maximum dollar limits for specified alterations and improvements, established, and updated as necessary, by the local housing agency.

(5) "Checklist" shall mean a document that the local housing agency issues requesting additional information or documentation that is necessary for further assessment of an application for a certificate of eligibility and reasonable cost where such application contained all information and documentation required at the initial filing.

(6) "Commencement date" shall mean, with respect to eligible construction, the date on which any physical operation undertaken for the purpose of performing such eligible construction lawfully begins.

(7) "Completion date" shall mean, with respect to eligible construction, the date on which:

(A) every physical operation undertaken for the purpose of all eligible construction has concluded; and

(B) all such eligible construction has been completed to a reasonable and customary standard that renders such eligible construction capable of use for the purpose for which such eligible construction was intended.

(8) "Dwelling unit" shall mean any residential accommodation in a class A multiple dwelling that:

(A) is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household;

(B) contains at least one room; and

(C) contains within such accommodation lawful sanitary and kitchen facilities reserved for its occupants.

(9) "Eligible building" shall mean an eligible rental building, an eligible homeownership building, or an eligible regulated homeownership building, provided that such building contains three or more dwelling units.

(10) "Eligible construction" shall mean alterations or improvements to an eligible building that:

(A) are specifically identified on the certified reasonable cost schedule;

(B) meet the minimum scope of work threshold;

(C) have a completion date that is after June twenty-ninth, two thousand twenty-two and prior to June thirtieth, two thousand twenty-six and that is not more than thirty months after their commencement date; and

(D) are not attributable to any increased cubic content in such eligible building.

(11) "Eligible homeownership building" shall mean an existing building that:

(A) is a class A multiple dwelling operated as condominium or cooperative housing;

(B) is not operating in whole or in part as a hotel; and

(C) has an average assessed valuation, including the valuation of the land, that as of the commencement date does not exceed the homeownership average assessed valuation limitation.

(12) "Eligible regulated homeownership building" shall mean an existing building that is a class A multiple dwelling owned and operated by either:

(A) a mutual company that continues to be organized and operated as a mutual company and that has entered into and recorded a mutual company regulatory agreement; or

(B) a mutual redevelopment company that continues to be organized and operated as a mutual redevelopment company and that has entered into and recorded a mutual redevelopment company regulatory agreement.

(13) "Eligible rental building" shall mean an existing building that:

(A) is a class A multiple dwelling in which all of the dwelling units are operated as rental housing;

(B) is not operating in whole or in part as a hotel; and

(C) satisfies one of the following conditions:

(i) not less than fifty percent of the dwelling units in such building are affordable rental units;

(ii) such building is owned and operated by a limited-profit housing company; or

(iii) such building is the recipient of substantial governmental assistance.

(14) "Existing building" shall mean an enclosed structure which:

(A) is permanently affixed to the land;

(B) has one or more floors and a roof;

(C) is bounded by walls;

(D) has at least one principal entrance utilized for day-to-day pedestrian ingress and egress;

(E) has a certificate of occupancy or equivalent document that is in effect prior to the commencement date; and

(F) exclusive of the land, has an assessed valuation of more than one thousand dollars for the fiscal year immediately preceding the commencement date.

(15) "Homeownership average assessed valuation limitation" shall mean an average assessed valuation of forty-five thousand dollars per dwelling unit.

(16) "Limited-profit housing company" shall have the same meaning as "company" set forth in section twelve of the private housing finance law.

(17) "Market rental unit" shall mean a dwelling unit in an eligible rental building other than an affordable rental unit.

(18) "Marketing band" shall mean maximum rent amounts ranging from

twenty percent of eighty percent of the area median income, adjusted for family size, to thirty percent of eighty percent of the area median income, adjusted for family size.

(19) "Minimum scope of work threshold" shall mean a total amount of certified reasonable cost established by rules and regulations of the local housing agency, provided that such amount shall be no less than one thousand five hundred dollars for each dwelling unit in existence on the completion date.

(20) "Multiple dwelling" shall have the meaning set forth in section four of the multiple dwelling law.

(21) "Mutual company" shall have the meaning set forth in section twelve of the private housing finance law.

(22) "Mutual company regulatory agreement" shall mean a binding and irrevocable agreement between a mutual company and the commissioner of housing, the mutual company supervising agency, the New York city housing development corporation, or the New York state housing finance agency prohibiting the dissolution or reconstitution of such mutual company pursuant to section thirty-five of the private housing finance law for not less than fifteen years from the commencement of rehabilitation program benefits for the existing building owned and operated by such mutual company.

(23) "Mutual company supervising agency" shall have the same meaning, with respect to any mutual company, as "supervising agency" set forth in section two of the private housing finance law.

(24) "Mutual redevelopment company" shall have the same meaning as "mutual" when applied to a redevelopment company as set forth in section one hundred two of the private housing finance law.

(25) "Mutual redevelopment company regulatory agreement" shall mean a binding and irrevocable agreement between a mutual redevelopment company and the commissioner of housing, the redevelopment company supervising agency, the New York city housing development corporation, or the New York state housing finance agency prohibiting the dissolution or reconstitution of such mutual redevelopment company pursuant to section one hundred twenty-three of the private housing finance law until the earlier of: (A) fifteen years from the commencement of rehabilitation program benefits for the existing building owned and operated by such mutual redevelopment company; or (B) the expiration of any tax exemption

granted to such mutual redevelopment company pursuant to section one hundred twenty-five of the private housing finance law.

(26) "Redevelopment company" shall have the meaning set forth in section one hundred two of the private housing finance law.

(27) "Redevelopment company supervising agency" shall have the same meaning, with respect to any redevelopment company, as "supervising agency" set forth in section one hundred two of the private housing finance law.

(28) "Rehabilitation program benefits" shall mean abatement of real property taxes pursuant to this subdivision.

(29) "Rent regulation" shall mean, collectively, the emergency housing rent control law, any local law enacted pursuant to the local emergency housing rent control act, the rent stabilization law of nineteen hundred sixty-nine, the rent stabilization code, and the emergency tenant protection act of nineteen seventy-four, all as in effect as of the effective date of this subdivision, or as any such statute is amended thereafter, together with any successor statutes or regulations addressing substantially the same subject matter.

(30) "Restriction period" shall mean, notwithstanding any termination or revocation of rehabilitation program benefits prior to such period, fifteen years from the initial receipt of rehabilitation benefits, or such additional period of time as may be imposed pursuant to clause (A) of subparagraph five of paragraph (e) of this subdivision.

(31) "Substantial governmental assistance" shall mean grants, loans, or subsidies from any federal, state, or local government agency or instrumentality in furtherance of a program for the development of affordable housing approved by the local housing agency, provided that such grants, loans, or subsidies are provided in accordance with a regulatory agreement entered into with such agency or instrumentality that is in effect as of the filing date of the application for a certificate of eligibility and reasonable cost.

(32) "Substantial interest" shall mean an ownership interest of ten percent or more.

(b) Abatement. Notwithstanding the provisions of any other subdivision of this section or of any general, special or local law to the contrary, any city to which the multiple dwelling law is applicable, acting through its local legislative body or other governing agency, is hereby

authorized and empowered, until and including June thirtieth, two thousand twenty-five, to adopt and amend local laws or ordinances allowing for an abatement of real property taxes on an eligible building in which eligible construction has been completed, provided that:

(1) Such abatement shall not exceed seventy percent of the certified reasonable cost of the eligible construction, as determined under rules and regulations of the local housing agency;

(2) Such abatement shall not be effective for more than twenty years;

(3) The annual abatement of real property taxes on such eligible building shall not exceed eight and one-third percent of the total certified reasonable cost of such eligible construction;

(4) The annual abatement of real property taxes on such eligible building in any consecutive twelve-month period shall in no event exceed the amount of real property taxes payable in such twelve-month period for such building, provided, however, that such abatement shall not exceed fifty percent of the amount of real property taxes payable in such twelve-month period for any of the following:

(A) an eligible rental building owned by a limited-profit housing company or a redevelopment company;

(B) an eligible homeownership building; and

(C) an eligible regulated homeownership building; and

(5) Such abatement shall become effective beginning with the first quarterly tax bill immediately following the date of issuance of the certificate of eligibility and reasonable cost.

(c) Authority of city to adopt rules and regulations. Any such local law or ordinance shall authorize the adoption of rules and regulations, not inconsistent with this subdivision, by the local housing agency and any other local agency necessary for the implementation of this subdivision.

(d) Application. (1) Any such local law or ordinance shall require that an application for a certificate of eligibility and reasonable cost pursuant to this subdivision be made after the completion date and on or before the later of (A) four months from the effective date of such local law or ordinance; or (B) four months from such completion date.

(2) Such application shall include evidence of eligibility for rehabilitation program benefits and evidence of reasonable cost as shall be satisfactory to the local housing agency including, but not limited

to, evidence showing the cost of eligible construction.

(3) The local housing agency shall require a non-refundable filing fee that shall be paid by a certified check or cashier's check upon the filing of an application for a certificate of eligibility and reasonable cost. Such fee shall be (A) one thousand dollars, plus (B) seventy-five dollars for each dwelling unit in excess of six dwelling units in the eligible building that is the subject of such application.

(4) Any application that is filed pursuant to this paragraph that is missing any of the information and documentation required at initial filing by such local law or ordinance and any rules and regulations of the local housing agency shall be denied, provided that a new application for the same eligible construction, together with a new non-refundable filing fee, may be filed within fifteen days of the date of issuance of such denial. If such second application is also missing any such required information and documentation, it shall be denied and no further applications for the same eligible construction shall be permitted.

(5) The failure of an applicant to respond to any checklist within thirty days of the date of its issuance by the local housing agency shall result in denial of such application, and no further applications for the same eligible construction shall be permitted. The local housing agency shall issue not more than three checklists per application. An application for a certificate of eligibility and reasonable cost shall be denied when the local housing agency does not have a sufficient basis to issue a certificate of eligibility and reasonable cost after the timely response of an applicant to the third checklist concerning such application. After the local housing agency has denied an application for the reason described in the preceding sentence, such agency shall permit no further applications for the same eligible construction.

(6) An application for a certificate of eligibility and reasonable cost shall also include an affidavit of no harassment.

(A) Such affidavit shall set forth the following information:

(i) the name of every owner of record and owner of a substantial interest in the eligible building or entity owning the eligible building or sponsoring the eligible construction; and

(ii) a statement that none of such persons had, within the five years prior to the completion date, been found to have harassed or unlawfully

evicted tenants by judgment or determination of a court or agency, including a non-governmental agency having appropriate legal jurisdiction under the penal law, any state or local law regulating rents or any state or local law relating to harassment of tenants or unlawful eviction.

(B) No eligible building shall be eligible for an abatement pursuant to paragraph (b) of this subdivision where:

(i) any affidavit required under this subparagraph has not been filed; or

(ii) any such affidavit contains a willful misrepresentation or omission of any material fact; or

(iii) any owner of record or owner of a substantial interest in the eligible building or entity owning the eligible building or sponsoring the eligible construction has been found, by judgment or determination of a court or agency, including a non-governmental agency having appropriate legal jurisdiction under the penal law, any state or local law regulating rents or any state or local law relating to harassment of tenants or unlawful eviction, to have, within the five years prior to the completion date, harassed or unlawfully evicted tenants, until and unless the finding is reversed on appeal.

(C) Notwithstanding the provisions of any general, special or local law to the contrary, the corporation counsel or other legal representative of a city having a population of one million or more or the district attorney of any county, may institute an action or proceeding in any court of competent jurisdiction that may be appropriate or necessary to determine whether any owner of record or owner of a substantial interest in the eligible building or entity owning the eligible building or sponsoring the eligible construction has harassed or unlawfully evicted tenants as described in this subparagraph.

(7) Notwithstanding the provisions of any general, special or local law to the contrary, the local housing agency may require by rules and regulations that an application for a certificate of eligibility and reasonable cost be filed electronically.

(e) Additional requirements for an eligible rental building other than one owned and operated by a limited-profit housing company. Any such local law or ordinance shall, in addition to all other conditions of

eligibility for rehabilitation program benefits set forth in this subdivision, require that an eligible rental building, other than one owned and operated by a limited-profit housing company, also comply with all provisions of this paragraph. Notwithstanding the foregoing, an eligible rental building that is the recipient of substantial governmental assistance shall not be required to comply with the provisions of subparagraph two of this paragraph.

(1) Notwithstanding any provision of rent regulation to the contrary, any market rental unit within such eligible rental building subject to rent regulation as of the filing date of the application for a certificate of eligibility and reasonable cost and any affordable rental unit within such eligible rental building shall be subject to rent regulation until such unit first becomes vacant after the expiration of the restriction period at which time such unit, unless it would be subject to rent regulation for reasons other than the provisions of this subdivision, shall be deregulated, provided, however, that during the restriction period, no exemption or exclusion from any requirement of rent regulation shall apply to such dwelling units.

(2) Additional requirements for an eligible rental building that is not a recipient of substantial governmental assistance.

(A) Not less than fifty percent of the dwelling units in such eligible rental building shall be designated as affordable rental units.

(B) The owner of such eligible rental building shall ensure that no affordable rental unit is held off the market for a period that is longer than reasonably necessary.

(C) The owner of such eligible rental building shall waive the collection of any major capital improvement rent increase granted by the New York state division of housing and community renewal pursuant to rent regulation that is attributable to eligible construction for which such eligible rental building receives rehabilitation program benefits, and shall file a declaration with the New York state division of housing and community renewal providing such waiver.

(D) An affordable rental unit shall not be rented on a temporary, transient or short-term basis. Every lease and renewal thereof for an affordable rental unit shall be for a term of one or two years, at the option of the tenant, and shall include a notice in at least twelve-point type informing such tenant of their rights pursuant to this

subdivision, including an explanation of the restrictions on rent increases that may be imposed on such affordable rental unit.

(E) The local housing agency may establish by rules and regulations such requirements as the local housing agency deems necessary or appropriate for designating affordable rental units, including, but not limited to, designating the unit mix and distribution requirements of such affordable rental units in an eligible building.

(3) The owner of such eligible rental building shall not engage in or cause any harassment of the tenants of such eligible rental building or unlawfully evict any such tenants during the restriction period.

(4) No dwelling units within such eligible rental building shall be converted to cooperative or condominium ownership during the restriction period.

(5) Any non-compliance of an eligible rental building with the provisions of this paragraph shall permit the local housing agency to take the following action:

(A) extend the restriction period;

(B) increase the number of affordable rental units in such eligible rental building;

(C) impose a penalty of not more than the product of one thousand dollars per instance of non-compliance and the number of dwelling units contained in such eligible rental building; and

(D) terminate or revoke any rehabilitation program benefits in accordance with paragraph (m) of this subdivision.

(f) Compliance with applicable law. Any such local law or ordinance may also provide that rehabilitation program benefits shall not be allowed for any eligible building unless and until such eligible building complies with all applicable provisions of law.

(g) Implementation of rehabilitation program benefits. Upon issuance of a certificate of eligibility and reasonable cost and payment of outstanding fees, the local housing agency shall be authorized to transmit such certificate of eligibility and reasonable cost to the local agency responsible for real property tax assessment. Upon receipt of a certificate of eligibility and reasonable cost, the local agency responsible for real property tax assessment shall certify the amount of taxes to be abated pursuant to paragraph (b) of this subdivision and pursuant to such certificate of eligibility and reasonable cost provided

by the local housing agency.

(h) Outstanding taxes and charges. Any such local law or ordinance shall also provide that rehabilitation program benefits shall not be allowed for an eligible building in either of the following cases:

(1) there are outstanding real estate taxes or water and sewer charges or payments in lieu of taxes that are due and owing as of the last day of the tax period preceding the date of the receipt of the certificate of eligibility and reasonable cost by the local agency responsible for real property tax assessment; or

(2) real estate taxes or water and sewer charges due at any time during the authorized term of such benefits remain unpaid for one year after the same are due and payable.

(i) Additional limitations on eligibility. Any such local law or ordinance shall also provide that:

(1) rehabilitation program benefits shall not be allowed for any eligible building receiving tax exemption or abatement concurrently for rehabilitation or new construction under any other provision of state or local law or ordinance with the exception of any eligible construction to an eligible building receiving a tax exemption or abatement under the provisions of the private housing finance law;

(2) rehabilitation program benefits shall not be allowed for any item of eligible construction in an eligible building if such eligible building is receiving tax exemption or abatement for the same or a similar item of eligible construction as of the December thirty-first preceding the date of application for a certificate of eligibility and reasonable cost for such rehabilitation program benefits;

(3) where the eligible construction includes or benefits a portion of an eligible building that is not occupied for dwelling purposes, the assessed valuation of such eligible building and the cost of the eligible construction shall be apportioned so that rehabilitation program benefits shall not be provided for eligible construction made for other than dwelling purposes; and

(4) rehabilitation program benefits shall not be applied to abate the taxes upon the land portion of real property, which shall continue to be taxed based upon the assessed valuation of the land and the applicable tax rate at the time such taxes are levied.

(j) Re-inspection penalty. Any such local law or ordinance shall also

provide that if the local housing agency cannot verify the eligible construction claimed by an applicant upon the first inspection by the local housing agency of the eligible building, such applicant shall be required to pay ten times the actual cost of any additional inspection needed to verify such eligible construction.

(k) Strict liability for inaccurate applications. Any such local law or ordinance shall also provide that if the local housing agency determines that an application for a certificate of eligibility and reasonable cost contains a material misstatement of fact, the local housing agency may reject such application and bar the submission of any other application pursuant to this subdivision with respect to such eligible building for a period not to exceed three years. An applicant shall not be relieved from liability under this paragraph because it submitted its application under a mistaken belief of fact. Furthermore, any person or entity that files more than six applications containing such a material misstatement of fact within any twelve-month period shall be barred from submitting any new application for rehabilitation program benefits on behalf of any eligible building for a period not to exceed five years.

(l) Investigatory authority. Any such local law or ordinance shall also allow the local housing agency to require such certifications and consents necessary to access records, including other tax records, as may be deemed appropriate to enforce the eligibility requirements of this subdivision. Any such local law or ordinance shall further provide that, for purposes of determining and certifying eligibility for rehabilitation program benefits and the reasonable cost of any eligible construction, the local housing agency shall be authorized to:

(1) administer oaths to and take the testimony of any person, including, but not limited to, the owner of such eligible building;

(2) issue subpoenas requiring the attendance of such persons and the production of any bills, books, papers or other documents as it may deem necessary;

(3) make preliminary estimates of the maximum reasonable cost of such eligible construction;

(4) establish maximum allowable costs of specified units, fixtures or work in such eligible construction;

(5) require the submission of plans and specifications of such

eligible construction before the commencement thereof;

(6) require physical access to inspect the eligible building; and

(7) on an annual basis, require the submission of leases for any dwelling unit in a building granted a certificate of eligibility and reasonable cost.

(m) Termination or revocation. Any such local law or ordinance shall provide that failure to comply with the provisions of this subdivision, any such local law or ordinance, any rules and regulations promulgated thereunder, or any mutual company regulatory agreement or mutual redevelopment company regulatory agreement entered into thereunder, may result in termination or revocation of any rehabilitation program benefits retroactive to the commencement thereof. Such termination or revocation shall not exempt such eligible building from continued compliance with the requirements of this subdivision, such local law or ordinance, such rules and regulations, and such mutual company regulatory agreement or mutual redevelopment company regulatory agreement.

(n) Criminal liability for unauthorized uses. Any such local law or ordinance shall also provide that in the event that any recipient of rehabilitation program benefits uses any dwelling unit in such eligible building in violation of the requirements of such local law or ordinance as adopted pursuant to this subdivision and any rules and regulations promulgated pursuant thereto, such recipient shall be guilty of an unclassified misdemeanor punishable by a fine in an amount equivalent to double the value of the gain of such recipient from such unlawful use or imprisonment for not more than ninety days, or both.

(o) Private right of action. Any prospective, present, or former tenant of an eligible rental building may sue to enforce the requirements and prohibitions of this subdivision, any such local law or ordinance, or any rules and regulations promulgated thereunder, in the supreme court of New York. Any such individual harmed by reason of a violation of such requirements and prohibitions may sue therefor in the supreme court of New York on behalf of himself or herself, and shall recover threefold the damages sustained and the cost of the suit, including a reasonable attorney's fee. The local housing agency may use any court decision under this paragraph that is adverse to the owner of an eligible building as the basis for further enforcement action.

Notwithstanding any other provision of law, an action by a tenant of an eligible rental building under this paragraph shall be commenced within six years from the date of the latest violation.

(p) Appointment of receiver. In addition to the remedies for non-compliance provided for in subparagraph five of paragraph (e) of this subdivision, any such local law or ordinance may also provide that the local housing agency may make application for the appointment of a receiver in accordance with the procedures contained in such local law or ordinance. Any receiver appointed pursuant to this paragraph shall be authorized, in addition to any other powers conferred by law, to effect compliance with the provisions of this subdivision, such local law or ordinance, and rules and regulations of the local housing agency. Any expenditures incurred by the receiver to effect such compliance shall constitute a debt of the owner and a lien upon the property, and upon the rents and income thereof, in accordance with the procedures contained in such local law or ordinance. The local housing agency in its discretion may provide funds to be expended by the receiver, and such funds shall constitute a debt recoverable from the owner in accordance with applicable local laws or ordinances.

(q) Authority of city to limit local law. Where a city enacts or amends a local law or ordinance under this subdivision, such local law or ordinance may restrict, limit or condition the eligibility, scope or amount of rehabilitation program benefits under the local law or ordinance in any manner, provided that the local law or ordinance may not grant rehabilitation program benefits beyond those provided in this subdivision.

22. (a) Definitions. For the purposes of this subdivision:

(1) "Area median income" shall mean the income limits as defined annually by the United States department of housing and urban development for the New York city area.

(2) "Certificate of eligibility and reasonable cost" shall mean a document issued by the local housing agency that establishes that a property is eligible for rehabilitation program benefits and sets forth the certified reasonable cost of the eligible construction for which such benefits shall be received.

(3) "Certified reasonable cost schedule" shall mean a table providing

maximum dollar limits for specified alterations and improvements, established, and updated at least every two years, by the local housing agency.

(4) "Checklist" shall mean a document that the local housing agency issues requesting additional information or documentation that is necessary for further assessment of an application for a certificate of eligibility and reasonable cost where such application contained all information and documentation required at the initial filing.

(5) "Commencement date" shall mean, with respect to eligible construction, the date on which any physical operation undertaken for the purpose of performing such eligible construction lawfully begins.

(6) "Completion date" shall mean, with respect to eligible construction, the date on which:

(A) every physical operation undertaken for the purpose of all eligible construction has concluded; and

(B) all such eligible construction has been completed to a reasonable and customary standard that renders such eligible construction capable of use for the purpose for which such eligible construction was intended.

(7) "Dwelling unit" shall mean any residential accommodation in a class A multiple dwelling that:

(A) is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household;

(B) contains at least one room; and

(C) contains within such accommodation lawful sanitary and kitchen facilities reserved for its occupants.

(8) "Eligible building" shall mean an eligible rental building, an eligible homeownership building, or an eligible regulated homeownership building, provided that such building contains three or more dwelling units.

(9) "Eligible construction" shall mean alterations or improvements to an eligible building that:

(A) are specifically identified on the certified reasonable cost schedule;

(B) meet the minimum scope of work threshold;

(C) have a completion date that is on or after June thirtieth, two thousand twenty-six and prior to June thirtieth, two thousand thirty-six

that is not more than thirty months after their commencement date; and

(D) are not attributable to any increased cubic content in such eligible building.

(10) "Eligible homeownership building" shall mean an existing building that:

(A) is a class A multiple dwelling operated as condominium or cooperative housing;

(B) is not operating in whole or in part as a hotel; and

(C) has an average assessed valuation, including the valuation of the land, that as of the commencement date does not exceed the homeownership average assessed valuation limitation.

(11) "Eligible regulated homeownership building" shall mean an existing building that is a class A multiple dwelling owned and operated by either:

(A) a mutual company that continues to be organized and operated as a mutual company and that has entered into and recorded a mutual company regulatory agreement; or

(B) a mutual redevelopment company that continues to be organized and operated as a mutual redevelopment company and that has entered into and recorded a mutual redevelopment company regulatory agreement.

(12) "Eligible rental building" shall mean an existing building that:

(A) is a class A multiple dwelling in which all of the dwelling units are operated as rental housing;

(B) is not operating in whole or in part as a hotel; and

(C) satisfies one of the following conditions:

(i) not less than fifty percent of the dwelling units in such building are qualifying rental units;

(ii) such building is owned and operated by a limited-profit housing company; or

(iii) such building is the recipient of substantial governmental assistance.

(13) "Existing building" shall mean an enclosed structure which:

(A) is permanently affixed to the land;

(B) has one or more floors and a roof;

(C) is bounded by walls;

(D) has at least one principal entrance utilized for day-to-day pedestrian ingress and egress;

(E) has a certificate of occupancy or equivalent document that is in effect prior to the commencement date; and

(F) exclusive of the land, has an assessed valuation of more than one thousand dollars for the fiscal year immediately preceding the commencement date.

(14) "Homeownership average assessed valuation limitation" shall mean an average assessed valuation of sixty thousand dollars per dwelling unit, adjusted annually to reflect any increase in the consumer price index for all urban consumers for all items as published by the United States bureau of labor statistics for the region in which the eligible building is located, as established for the most recent preceding calendar year. The local housing agency shall publish the average assessed valuation limit, as adjusted pursuant to this subparagraph, on its website one year after the effective date of such local law authorizing an abatement pursuant to this subdivision, and annually thereafter.

(15) "Limited-profit housing company" shall have the same meaning as "company" as defined in section twelve of the private housing finance law.

(16) "Market rental unit" shall mean a dwelling unit in an eligible rental building other than a qualifying rental unit.

(17) "Marketing band" shall mean maximum rent amounts ranging from twenty percent of eighty percent of the area median income, adjusted for family size, to thirty percent of eighty percent of the area median income, adjusted for family size.

(18) "Minimum scope of work threshold" shall mean a total amount of certified reasonable cost established by rules and regulations of the local housing agency, provided that such amount shall be no less than one thousand five hundred dollars for each dwelling unit in existence on the completion date.

(19) "Multiple dwelling" shall have the meaning as such term is defined in section four of the multiple dwelling law.

(20) "Mutual company" shall have the meaning as such term is defined in section twelve of the private housing finance law.

(21) "Mutual company regulatory agreement" shall mean a binding and irrevocable agreement between a mutual company and the commissioner of housing, the mutual company supervising agency, the New York city

housing development corporation, or the New York state housing finance agency prohibiting the dissolution or reconstitution of such mutual company pursuant to section thirty-five of the private housing finance law for not less than fifteen years from the commencement of rehabilitation program benefits for the existing building owned and operated by such mutual company.

(22) "Mutual company supervising agency" shall have the same meaning, with respect to any mutual company, as "supervising agency" as defined in section two of the private housing finance law.

(23) "Mutual redevelopment company" shall have the same meaning as "mutual company" when applied to a redevelopment company as defined in section one hundred two of the private housing finance law.

(24) "Mutual redevelopment company regulatory agreement" shall mean a binding and irrevocable agreement between a mutual redevelopment company and the commissioner of housing, the redevelopment company supervising agency, the New York city housing development corporation, or the New York state housing finance agency prohibiting the dissolution or reconstitution of such mutual redevelopment company pursuant to section one hundred twenty-three of the private housing finance law until the earlier of:

(A) fifteen years from the commencement of rehabilitation program benefits for the existing building owned and operated by such mutual redevelopment company; or

(B) the expiration of any tax exemption granted to such mutual redevelopment company pursuant to section one hundred twenty-five of the private housing finance law.

(25) "Qualifying rent" shall mean the maximum rent within the marketing band that is allowed for a qualifying rental unit as such rent is established by the local housing agency.

(26) "Qualifying rental unit" shall mean a dwelling unit in an eligible rental building that, as of the filing of an application for a certificate of eligibility and reasonable cost, has a rent at or below the qualifying rent.

(27) "Redevelopment company" shall have the same meaning as such term is defined in section one hundred two of the private housing finance law.

(28) "Redevelopment company supervising agency" shall have the same

meaning, with respect to any redevelopment company, as "supervising agency" as defined in section one hundred two of the private housing finance law.

(29) "Rehabilitation program benefits" shall mean abatement of real property taxes pursuant to this subdivision.

(30) "Rent regulation" shall mean, collectively, the emergency housing rent control law, any local law enacted pursuant to the local emergency housing rent control act, the rent stabilization law of nineteen hundred sixty-nine, the rent stabilization code, and the emergency tenant protection act of nineteen seventy-four, all as in effect as of the effective date of this subdivision, or as any such statute is amended thereafter, together with any successor statutes or regulations addressing substantially the same subject matter.

(31) "Restriction period" shall mean, notwithstanding any termination or revocation of rehabilitation program benefits prior to such period, fifteen years from the initial receipt of rehabilitation program benefits, or such additional period of time as may be imposed pursuant to clause (A) of subparagraph five of paragraph (e) of this subdivision.

(32) "Substantial governmental assistance" shall mean grants, loans, or subsidies from any federal, state, or local government agency or instrumentality in furtherance of a program for the development of affordable housing approved by the local housing agency, provided that such grants, loans, or subsidies are provided in accordance with a regulatory agreement entered into with such agency or instrumentality that is in effect as of the filing date of the application for a certificate of eligibility and reasonable cost.

(33) "Substantial interest" shall mean an ownership interest of ten percent or more.

(b) Abatement. Notwithstanding the provisions of any other subdivision of this section or of any general, special, or local law to the contrary, a city with a population of one million persons or more, acting through its local legislative body, is hereby authorized and empowered to adopt a local law authorizing an abatement of real property taxes pursuant to this subdivision on an eligible building in which eligible construction has been completed by an aggregate amount that shall not exceed one hundred percent of the total certified reasonable cost of such construction, as determined under rules and regulations of

the local housing agency, provided that:

(1) Such abatement shall not be effective for more than twenty years;

(2) The annual abatement of real property taxes on such eligible building shall not exceed eight and one-third percent of the total certified reasonable cost of such eligible construction;

(3) The annual abatement of real property taxes on such eligible building in any consecutive twelve-month period shall in no event exceed the amount of real property taxes payable in such twelve-month period for such building, provided, however, that such abatement shall not exceed fifty percent of the amount of real property taxes payable in such twelve-month period for any of the following:

(A) an eligible rental building owned by a limited-profit housing company or a redevelopment company;

(B) an eligible homeownership building; and

(C) an eligible regulated homeownership building; and

(4) Notwithstanding subparagraphs two and three of this paragraph, for an application for rehabilitation program benefits that has been approved, an amount equivalent to and not exceeding the filing fee paid pursuant to subparagraph three of paragraph (d) of this subdivision shall be included in addition to the aggregate amount abated under this paragraph.

(5) Such abatement shall become effective beginning with the first quarterly tax bill immediately following the date of issuance of the certificate of eligibility and reasonable cost.

(c) Rulemaking. Each agency or department to which functions are assigned by this subdivision may adopt and promulgate rules and regulations for the effectuation of the purpose of this subdivision.

(d) Application. (1) An application for a certificate of eligibility and reasonable cost pursuant to this subdivision shall be made after the completion date and on or before the later of (A) four months from the effective date of such local law authorizing an abatement pursuant to this subdivision; or (B) four months from such completion date.

(2) Such application shall include evidence of eligibility for rehabilitation program benefits and evidence of reasonable cost as shall be satisfactory to the local housing agency including, but not limited to, evidence showing the cost of eligible construction.

(3) The local housing agency shall require a non-refundable filing fee

that shall be paid upon the filing of an application for a certificate of eligibility and reasonable cost. Such fee shall be seventy-five dollars for each dwelling unit in excess of six dwelling units in the eligible building that is the subject of such application, but no more than twenty thousand dollars for each application. The filing fee per each dwelling unit and maximum collectible application fee shall be adjusted annually to reflect any increase in the consumer price index for all urban consumers for all items as published by the United States bureau of labor statistics for the region in which the eligible building is located, as established for the most recent preceding calendar year.

(4) Any application that is filed pursuant to this paragraph that is missing any of the information and documentation required at initial filing by any rules and regulations of the local housing agency shall be denied, provided that a new application for the same eligible construction, together with a new non-refundable filing fee, may be filed within fifteen days of the date of issuance of such denial. If such second application is also missing any such required information and documentation, it shall be denied and no further applications for the same eligible construction shall be permitted.

(5) The failure of an applicant to respond to any checklist within thirty days of the date of its issuance by the local housing agency shall result in denial of such application, and no further applications for the same eligible construction shall be permitted. The local housing agency shall issue not more than three checklists per application. An application for a certificate of eligibility and reasonable cost shall be denied when the local housing agency does not have a sufficient basis to issue a certificate of eligibility and reasonable cost after the timely response of an applicant to the third checklist concerning such application. After the local housing agency has denied an application for the reason described in the preceding sentence, such agency shall permit no further applications for the same eligible construction.

(6) An application for a certificate of eligibility and reasonable cost shall also include an affidavit of no harassment.

(A) Such affidavit shall set forth the following information:

(i) the name of every owner of record and owner of a substantial interest in the eligible building or entity owning the eligible building or sponsoring the eligible construction; and

(ii) a statement that none of such persons had, within the five years prior to the completion date, been found to have harassed or unlawfully evicted tenants by judgment or determination of a court or agency, including a non-governmental agency having appropriate legal jurisdiction under the penal law, any state or local law regulating rents, or any state or local law relating to harassment of tenants or unlawful eviction.

(B) No eligible building shall be eligible for an abatement pursuant to paragraph (b) of this subdivision where:

(i) any affidavit required under this subparagraph has not been filed; or

(ii) any such affidavit contains a willful misrepresentation or omission of any material fact; or

(iii) any owner of record or owner of a substantial interest in the eligible building or entity owning the eligible building or sponsoring the eligible construction has been found, by judgment or determination of a court or agency, including a non-governmental agency having appropriate legal jurisdiction under the penal law, any state or local law regulating rents, or any state or local law relating to harassment of tenants or unlawful eviction, to have, within the five years prior to the completion date, harassed or unlawfully evicted tenants, until and unless the finding is reversed on appeal.

(C) Notwithstanding the provisions of any general, special, or local law to the contrary, the corporation counsel or other legal representative of a city having a population of one million or more or the district attorney of any county located in a city with a population of one million or more, may institute an action or proceeding in any court of competent jurisdiction that may be appropriate or necessary to determine whether any owner of record or owner of a substantial interest in the eligible building or entity owning the eligible building or sponsoring the eligible construction has harassed or unlawfully evicted tenants as described in this subparagraph.

(7) Notwithstanding the provisions of any general, special, or local law to the contrary, the local housing agency may require by rules and regulations that an application for a certificate of eligibility and reasonable cost be filed electronically.

(8) The local housing agency may require an applicant to demonstrate

compliance with the housing maintenance code. If hazardous or immediately hazardous violations exist, the local housing agency may require the applicant to remediate such violations and may impose a penalty in an amount set forth in rules and regulations if the applicant fails to clear the violation.

(e) Additional requirements for an eligible rental building other than one owned and operated by a limited-profit housing company. In addition to all other conditions of eligibility for rehabilitation program benefits set forth in this subdivision, an eligible rental building, other than one owned and operated by a limited-profit housing company, shall also comply with all provisions of this paragraph. Notwithstanding the foregoing, an eligible rental building that is the recipient of substantial governmental assistance shall not be required to comply with the provisions of subparagraph two of this paragraph.

(1) Notwithstanding any provision of rent regulation to the contrary, any market rental unit within such eligible rental building subject to rent regulation as of the filing date of the application for a certificate of eligibility and reasonable cost and any qualifying rental unit within such eligible rental building shall be subject to rent regulation until such unit first becomes vacant after the expiration of the restriction period at which time such unit, unless it would be subject to rent regulation for reasons other than the provisions of this subdivision, shall be deregulated, provided, however, that during the restriction period, no exemption or exclusion from any requirement of rent regulation shall apply to such dwelling units.

(2) Additional requirements for an eligible rental building that is not a recipient of substantial governmental assistance.

(A) Not less than fifty percent of the dwelling units in such eligible rental building shall be designated as qualifying rental units.

(B) The owner of such eligible rental building shall ensure that no qualifying rental unit is held off the market for a period that is longer than reasonably necessary.

(C) The owner of such eligible rental building shall waive the collection of any major capital improvement rent increase granted by the New York state division of housing and community renewal pursuant to rent regulation that is attributable to eligible construction for which such eligible rental building receives rehabilitation program benefits,

and shall file a declaration with the New York state division of housing and community renewal providing such waiver. The local housing agency shall not require an owner to file such waiver until the application for rehabilitation program benefits has been approved.

(D) A qualifying rental unit shall not be rented on a temporary, transient or short-term basis. Every lease and renewal thereof for a qualifying rental unit shall be for a term of one or two years, at the option of the tenant, and shall include a notice in at least twelve-point type informing such tenant of their rights pursuant to this subdivision, including an explanation of the restrictions on rent increases that may be imposed on such qualifying rental unit.

(E) The local housing agency may establish by rules and regulations such requirements as the local housing agency deems necessary or appropriate for designating qualifying rental units, including, but not limited to, designating the unit mix and distribution requirements of such qualifying rental units in an eligible building.

(3) The owner of such eligible rental building shall not engage in or cause any harassment of the tenants of such eligible rental building or unlawfully evict any such tenants during the restriction period.

(4) No dwelling units within such eligible rental building shall be converted to cooperative or condominium ownership during the restriction period.

(5) Any non-compliance of an eligible rental building with the provisions of this paragraph shall permit the local housing agency to take the following action:

(A) extend the restriction period;

(B) increase the number of qualifying rental units in such eligible rental building;

(C) impose a penalty of not more than the product of one thousand dollars per instance of non-compliance and the number of dwelling units contained in such eligible rental building; and

(D) terminate or revoke any rehabilitation program benefits in accordance with paragraph (p) of this subdivision.

(f) Compliance with applicable law. Rehabilitation program benefits shall not be allowed for any eligible building unless and until such eligible building complies with all applicable provisions of law. Rehabilitation program benefits shall not be allowed if the local

housing agency determines that eligible construction was not carried out in conformity with all applicable provisions of law.

(g) Tenant notification. Notwithstanding any provision of this section to the contrary, no rehabilitation program benefits shall be granted for any eligible construction with a commencement date on or after the effective date of such local law authorizing an abatement pursuant to this subdivision unless the applicant provides to tenants, if any, of such eligible building not more than one hundred eighty days nor less than thirty days prior to the commencement date, notice of the following information:

(1) The proposed work;

(2) The identity and contact information of the eligible building's representative; and

(3) The tenants' rights under applicable law with respect to such work; provided that, in the case of a loan program supervised by the local housing agency, such agency may provide the required notice to the tenants.

(h) Notice of intent. An applicant for rehabilitation program benefits for any eligible construction with a commencement date on or after the effective date of such local law authorizing an abatement pursuant to this subdivision shall file with the local housing agency a form supplied by such agency which:

(1) States an intention to file for rehabilitation program benefits;

(2) Describes the work for which rehabilitation program benefits will be claimed;

(3) Estimates the cost of such work which will be eligible for rehabilitation program benefits; and

(4) Provides proof of the notice required under paragraph (g) of this subdivision. Such form shall be filed prior to the commencement date. If the scope of such work or the estimated cost thereof changes materially, such applicant shall file a revised notice of intent. An applicant who fails to comply with the requirements of this paragraph shall be subject to a penalty not to exceed one hundred percent of the filing fee otherwise payable pursuant to subparagraph three of paragraph (d) of this subdivision.

(i) Implementation of rehabilitation program benefits. Upon issuance of a certificate of eligibility and reasonable cost and payment of

outstanding fees, the local housing agency shall be authorized to transmit such certificate of eligibility and reasonable cost to the local agency responsible for real property tax assessment. Upon receipt of a certificate of eligibility and reasonable cost, the local agency responsible for real property tax assessment shall certify the amount of taxes to be abated pursuant to paragraph (b) of this subdivision and pursuant to such certificate of eligibility and reasonable cost provided by the local housing agency.

(j) Outstanding taxes and charges. Rehabilitation program benefits shall not be allowed for an eligible building in either of the following cases:

(1) there are outstanding real estate taxes or water and sewer charges or payments in lieu of taxes that are due and owing as of the last day of the tax period preceding the date of the receipt of the certificate of eligibility and reasonable cost by the local agency responsible for real property tax assessment; or

(2) real estate taxes or water and sewer charges due at any time during the authorized term of such benefits remain unpaid for one year after the same are due and payable.

(k) Additional limitations on eligibility. (1) Rehabilitation program benefits shall not be allowed for any eligible building receiving tax exemption or abatement concurrently for rehabilitation or new construction under any other provision of state or local law or ordinance, with the exception of any eligible construction to an eligible building receiving a tax exemption or abatement under the provisions of the private housing finance law;

(2) Rehabilitation program benefits shall not be allowed for any item of eligible construction in an eligible building if such eligible building is receiving tax exemption or abatement for the same or a similar item of eligible construction as of the December thirty-first preceding the date of application for a certificate of eligibility and reasonable cost for such rehabilitation program benefits;

(3) Where the eligible construction includes or benefits a portion of an eligible building that is not occupied for dwelling purposes, the assessed valuation of such eligible building and the cost of the eligible construction shall be apportioned so that rehabilitation program benefits shall not be provided for eligible construction made

for other than dwelling purposes; and

(4) Rehabilitation program benefits shall not be applied to abate the taxes upon the land portion of real property, which shall continue to be taxed based upon the assessed valuation of the land and the applicable tax rate at the time such taxes are levied.

(l) Re-inspection penalty. If the local housing agency cannot verify the eligible construction claimed by an applicant upon the first inspection by the local housing agency of the eligible building, such applicant shall be required to pay ten times the actual cost of any additional inspection needed to verify such eligible construction.

(m) Strict liability for inaccurate applications. If the local housing agency determines that an application for a certificate of eligibility and reasonable cost contains a material misstatement of fact or omission of fact, the local housing agency may reject such application and bar the submission of any other application pursuant to this subdivision with respect to such eligible building for a period not to exceed three years. An applicant shall not be relieved from liability under this paragraph because it submitted its application under a mistaken belief of fact. Furthermore, any person or entity that files more than six applications containing such a material misstatement of fact or omission of fact within any twelve-month period shall be barred from submitting any new application for rehabilitation program benefits on behalf of any eligible building for a period not to exceed five years.

(n) False statements. Any person who shall knowingly and willfully make any false statement or omission as to any material matter in any application for a certificate of eligibility and reasonable cost shall be guilty of an offense punishable by a fine of not more than five hundred dollars, or imprisonment for not more than ninety days, or both.

(o) Investigatory authority. The local housing agency may require such certifications and consents necessary to access records, including other tax records, as may be deemed appropriate to enforce the eligibility requirements of this subdivision. For purposes of determining and certifying eligibility for rehabilitation program benefits and the reasonable cost of any eligible construction, the local housing agency shall be authorized to:

(1) administer oaths to and take the testimony of any person, including, but not limited to, the owner of such eligible building;

(2) issue subpoenas requiring the attendance of such persons and the production of any bills, books, papers or other documents as it may deem necessary;

(3) make preliminary estimates of the maximum reasonable cost of such eligible construction;

(4) establish maximum allowable costs of specified units, fixtures or work in such eligible construction;

(5) require the submission of plans and specifications of such eligible construction before the commencement thereof;

(6) require physical access to inspect the eligible building; and

(7) on an annual basis, require the submission of leases for any dwelling unit in a building granted a certificate of eligibility and reasonable cost.

(p) Termination or revocation. Failure to comply with the provisions of this subdivision, any rules and regulations promulgated thereunder, or any mutual company regulatory agreement or mutual redevelopment company regulatory agreement entered into thereunder, may result in termination or revocation of any rehabilitation program benefits retroactive to the commencement thereof. Such termination or revocation shall not exempt such eligible building from continued compliance with the requirements of this subdivision, such rules and regulations, and such mutual company regulatory agreement or mutual redevelopment company regulatory agreement.

(q) Criminal liability for unauthorized uses. In the event that any recipient of rehabilitation program benefits uses any dwelling unit in such eligible building in violation of the requirements of any rules and regulations promulgated pursuant to this subdivision, such recipient shall be guilty of an unclassified misdemeanor punishable by a fine in an amount equivalent to double the value of the gain of such recipient from such unlawful use or imprisonment for not more than ninety days, or both.

(r) Private right of action. Any prospective, present, or former tenant of an eligible rental building may sue to enforce the requirements and prohibitions of this subdivision, or any rules and regulations promulgated thereunder, in the supreme court of New York. Any such individual harmed by reason of a violation of such requirements and prohibitions may sue therefor in the supreme court of New York on

behalf of themselves, and shall recover threefold the damages sustained and the cost of the suit, including a reasonable attorney's fee. The local housing agency may use any court decision under this paragraph that is adverse to the owner of an eligible building as the basis for further enforcement action. Notwithstanding any other provision of law, an action by a tenant of an eligible rental building under this paragraph shall be commenced within six years from the date of the latest violation.

(s) Appointment of receiver. (1) Appointment. In addition to the remedies for non-compliance provided for in subparagraph five of paragraph (e) of this subdivision, the local housing agency may make application for the appointment of a receiver in accordance with the procedures contained in applicable rules and regulations of the local housing agency; provided, however, that the local housing agency shall not make such application with respect to any eligible homeownership building or eligible regulated homeownership building. Any receiver appointed pursuant to this paragraph shall be authorized, in addition to any other powers conferred by law, to effect compliance with the provisions of this subdivision and rules and regulations of the local housing agency. Any expenditures incurred by the receiver to effect such compliance shall constitute a debt of the owner and a lien upon the property, and upon the rents and income thereof, in accordance with the procedures contained in such rules and regulations. The local housing agency in its discretion may provide funds to be expended by the receiver, and such funds shall constitute a debt recoverable from the owner in accordance with applicable local laws or ordinances.

(2) Power to order corrections of violations. Whenever the local housing agency determines that any violation of the provisions of this subdivision, any rules and regulations promulgated thereunder, or any mutual company regulatory agreement or mutual redevelopment company regulatory agreement entered into thereunder, has occurred, such agency may order the owner of the eligible rental building or other responsible party to correct such violation. An order issued pursuant to this subparagraph shall state the violations involved and the corrective action to be taken, and shall specify a time for compliance, which shall be not less than twenty-one days from the date of service of the order, except that where a condition dangerous to human life and safety or

detrimental to health exists or is threatened, a shorter period for compliance may be specified.

(3) Grounds for appointment of receiver. Upon failure of an eligible rental building to comply with an order to correct issued pursuant to subparagraph two of this paragraph within the specified time therein, the local housing agency may apply for the appointment of a receiver to correct such violations.

(4) Notice to owner, mortgagees, and lienors. (A) If the local housing agency intends to seek the appointment of a receiver pursuant to this paragraph, it shall serve upon the owner, along with the order authorized pursuant to subparagraph two of this paragraph, a notice stating that in the event the violations covered by the order are not corrected in the manner and within the time specified therein, such agency may apply for the appointment of a receiver of the rents, issues, and profits of the property with rights superior to those of the owner and any mortgagee or lienor.

(B) Within five days after service of the order and notice upon the owner, the local housing agency shall serve a copy of the order and notice upon every mortgagee and lienor of record, personally or by registered or certified mail, at the address set forth in the recorded mortgage or lien. If no address appears therein, a copy shall be sent by registered mail to the person at whose request the instrument was recorded.

(C) The local housing agency shall file a copy of the notice and order in the office of the county clerk in which mechanics liens affecting the eligible rental building would be filed.

(5) Order to show cause. (A) The local housing agency, upon failure of the owner to comply with an order issued pursuant to subparagraph two of this paragraph within the time provided therein, may thereafter apply to a court of competent jurisdiction in the county where the eligible rental building is located for an order directing the owner and any mortgagees or lienors of record to show cause why the commissioner of the local housing agency should not be appointed receiver of the rents, issues, and profits of the eligible rental building and why the receiver should not correct such violation and obtain a lien in favor of the local housing agency against the eligible rental building having the priority provided in article eight of subchapter five of chapter two of

title twenty-seven of the administrative code of the city of New York to secure repayment of the costs incurred by the receiver in removing such conditions. Such application shall contain:

(i) Proof by affidavit that an order of the local housing agency has been issued, served on the owner, mortgagees, and lienors, and filed, in accordance with subparagraph four of this paragraph;

(ii) A statement that a violation continued to exist in such eligible rental building after the time provided in the order for correction of the condition, and a description of the eligible rental building and violations involved; and

(iii) A brief description of the nature of the actions required to correct the violations and an estimate as to the cost thereof.

(B) The order to show cause shall be returnable not less than five days after service is completed.

(C) A copy of the order to show cause, and the papers on which it is based, shall be served on the owner, mortgagees of record, and lienors. If any such persons cannot with due diligence be served personally within the city of New York within the time fixed in the order, then service may be made by posting a copy of the order in a conspicuous place on the eligible rental building, and by sending a copy thereof by registered mail to the owner at the last address, if any, registered by such owner with the local housing agency, or to such owner's last address, if any, known to the local housing agency, or, in the case of a mortgagee or lienor, to the address set forth in the recorded mortgage or lien, and by publication in a newspaper of general circulation in the county where such eligible rental building is located. Service shall be deemed complete on filing proof thereof in the office of the clerk of the court in which application for such order is made.

(6) Proceedings on return of order to show cause. (A) On the return of the order to show cause, determination thereof shall have precedence over every other business of the court unless the court shall find that some other pending proceeding, having a similar statutory preference, has priority.

(B) If the court finds that the facts stated in the application warrant the granting thereof, then it shall appoint the commissioner of the local housing agency receiver of the rents, issues, and profits of the eligible rental building.

(C) Notwithstanding clause (B) of this subparagraph, if, after determination of the issue, the owner, or any mortgagee or lienor or other person having an interest in the eligible rental building, shall apply to the court to be permitted to correct the violations set forth in the local housing agency's application and shall (i) demonstrate the ability to promptly undertake the actions required; and (ii) post security for the performance thereof within the time, and in the amount and manner, deemed necessary by the court, then the court may, in lieu of appointing a receiver, issue an order permitting such person to perform the actions within a time fixed by the court. If at the time fixed in the order the actions have not been satisfactorily done, the court shall appoint such receiver. If after the granting of an order permitting a person to perform the actions but before the time fixed by the court for the completion thereof it shall appear to the local housing agency that the person permitted to do the same is not proceeding with due diligence, then such agency may apply to the court, on notice to those persons who have appeared in the proceeding, for a hearing to determine whether a receiver shall be appointed immediately. On the failure of any person to complete the corrective actions in accordance with the provisions of an order under this clause, such agency, or any receiver thereafter appointed, shall be reimbursed for costs incurred by such agency or receiver in correcting the violation and other charges pursuant to this clause out of the security posted by such person.

(7) Powers and duties of receiver. (A) A receiver appointed pursuant to this paragraph shall have all of the powers and duties of a receiver appointed in an action to foreclose a mortgage on real property, together with such additional powers and duties as granted and imposed by this subparagraph. Such receiver shall not be required to file any bond.

(B) The receiver shall with all reasonable speed remove violations in the eligible rental building. Such receiver shall have the power to let contracts or incur expenses therefor in accordance with the provisions of law applicable to contracts for public works except that advertisement shall not be required for each such contract. Notwithstanding any provision of law, the receiver may let contracts or incur expenses for individual items without the procurement of

competitive bids where the total amount of any such individual item does not exceed two thousand five hundred dollars.

(C) The receiver shall collect the accrued and accruing rents, issues, and profits of the eligible rental building and apply the same to the cost of the corrective actions authorized in clause (B) of this subparagraph, to the payment of expenses reasonably necessary to the proper operation and management of the eligible rental building, including insurance and the fees of the managing agent, and the necessary expenses of their office as receiver, the repayment of all moneys advanced to the receiver by the local housing agency to cover the costs incurred by the receiver and interest thereon; and then, if there be a surplus, to unpaid taxes, assessments, water rents, sewer rents, and penalties and interest thereon, and then to sums due to mortgagees or lienors. If the income of the eligible rental building shall be insufficient to cover the cost of the repairs and improvements or the expenses reasonably necessary to the proper operation and management of such eligible rental building and other necessary expenses of the receiver, the local housing agency shall advance to the receiver any sums required to cover such cost and expense and thereupon shall have a lien against such eligible rental building having the priority provided in article eight of subchapter five of chapter two of title twenty-seven of the administrative code of the city of New York for any such sums so advanced with interest thereon.

(D) The receiver shall be entitled to the same fees, commissions, and necessary expenses as receivers in actions to foreclose mortgages. Such fees and commissions shall be paid into the fund created pursuant to section 27-2111 of the administrative code of the city of New York. The receiver shall be liable only in such receiver's official capacity for injury to person and property by reason of conditions of the eligible rental building in a case where an owner would have been liable; such receiver shall not have any liability in such receiver's personal capacity. The personnel and facilities of the local housing agency and the corporation counsel or other legal representative of a city having a population of one million or more shall be availed of by the receiver for the purpose of carrying out such receiver's duties, and the costs of such services shall be deemed a necessary expense of the receiver.

(8) Discharge of receiver. The receiver shall be discharged upon

rendering a full and complete accounting to the court when the actions authorized by this paragraph are completed and the cost thereof and all other costs authorized by this paragraph have been paid or reimbursed from the rents and income of the eligible rental building and the surplus money, if any, has been paid over to the owner or the mortgagee or lienor as the court may direct. However, at any time, the receiver may be discharged upon filing their account as receiver without affecting the right of the local housing agency to its lien. Upon the completion of the repairs and improvements, the owner, the mortgagee, or any lienor may apply for the discharge of the receiver upon payment to the receiver of all moneys expended by such receiver therefor and all other costs authorized by subparagraph seven of this paragraph which have not been paid or reimbursed from the rents and income of such eligible rental building.

(9) Recovery of expenses of receivership; lien of receiver. (A) The expenditures made by the receiver pursuant to subparagraph seven of this paragraph shall, to the extent that they are not recovered from the rents and income of the eligible rental building collected by the receiver, constitute a debt of the owner and a lien upon such building and lot, and upon the rents and income thereof. Except as otherwise provided in this subparagraph, the provisions of article eight of subchapter five of chapter two of title twenty-seven of the administrative code of the city of New York shall govern the effect and enforcement of such debt and lien; references therein to the department of housing preservation and development shall, for purposes of this article, be deemed to refer to the receiver and, after such receiver's discharge, the department of housing preservation and development.

(B) Failure to serve a copy of the order and notice required in the manner specified by subparagraph four of this paragraph, or failure to serve any mortgagee or lienor with a copy of the order to show cause as required by clause (C) of subparagraph five of this paragraph, shall not affect the validity of the proceeding or the appointment of a receiver, but the rights of the local housing agency or of the receiver shall not in such event be superior to the rights of any mortgagee or lienor who has not been served as provided therein.

(C) Any mortgagee or lienor who at such mortgagee or lienor's expense corrects the violations to the satisfaction of the court pursuant to the

provisions of clause (C) of subparagraph six of this paragraph shall have and be entitled to enforce a lien equivalent to the lien granted to the receiver in favor of the local housing agency by this subparagraph. Any mortgagee or lienor who, following the appointment of a receiver by the court, shall reimburse the receiver and the local housing agency for all costs and charges as provided by this paragraph shall be entitled to an assignment of the lien granted to the receiver in favor of the local housing agency.

(10) Obligations of owner not affected. Nothing contained in this paragraph shall be deemed to relieve the owner of any civil or criminal liability incurred or any duty imposed by law by reason of acts or omissions of the owner prior to the appointment of a receiver; nor shall anything contained in this paragraph be construed to suspend during the receivership any obligation of the owner for the payment of taxes or other operating and maintenance expenses of the eligible rental building nor of the owner or any other person for the payment of mortgages or liens.

(t) Reporting. No later than two years after the effective date of such local law authorizing an abatement pursuant to this subdivision, and annually thereafter, the local housing agency, in consultation with the department of finance, shall submit to the mayor and the speaker of the council and post on its website a report on the actions by the local housing agency in the preceding fiscal year related to rehabilitation program benefits. Such report shall include, but not be limited to:

(1) The total amount of the rehabilitation program benefits approved for each eligible building, the number of eligible buildings in each community district, neighborhood tabulation area, council district, New York state assembly district, and New York state senate district, the building classification, in accordance with section three hundred two of the New York city building code, of each such eligible building, the number of dwelling units in each such eligible building, and the number of qualifying rental units in each such eligible building; and

(2) The number of eligible buildings whose rehabilitation program benefits were terminated or revoked and the number of eligible buildings against which actions were taken, pursuant to clauses (A), (B) and (C) of subparagraph five of paragraph (e) of this subdivision, to address noncompliance with the provisions of such subdivision, and the street

address of each such eligible building.

(u) Updates to the certified reasonable cost schedule. When updating the certified reasonable cost schedule, the local housing agency shall consider the factors such agency deems relevant, such as the requirements imposed on eligible buildings by local law, including, but not limited to, articles three hundred two, three hundred twenty and three hundred twenty-one of chapter three of title twenty-eight of the administrative code of the city of New York, and the effects of inflation on such costs since the prior date the certified reasonable cost schedule was updated. The local housing agency shall publish the certified reasonable cost schedule on its website.

TITLE 2-A
**RAILROAD REAL PROPERTY OF
INTRASTATE RAILROAD COMPANIES**

Section 489-a. Legislative declaration.

489-b. Definitions.

489-c. Assessment of real property of railroads.

489-d. Exemption of railroad real property from taxation.

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railroad ceiling.

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489-m. Railroad real property used for transportation purposes.

489-n. Tentative determination of railroad ceiling; notice,
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489-r. Inspection of accounts and property of railroad companies.

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489-t. Inapplicability of title.

489-u. Inapplicability of title.

489-v. Capital improvements to railroad property.

489-w. Railroad ceiling; transitional adjustment.

§ 489-a. Legislative declaration. It is hereby found and declared that continued operation of railroads in the state and improvement of their service and facilities are essential to the commerce, defense, and general welfare of the people of the state; that the financial condition of railroads in the state has deteriorated in recent years to the extent that it now constitutes a serious threat to continuation of vital operations; that this condition is the result, among other things, of competition from other forms of transportation, increased costs, and the incidence of taxation; that the consequences of these developments have been a loss of commerce, a decrease in employment, and a decrease in service rendered by railroads; that the reversal of these trends is a matter of public concern; that it is in the public interest to enhance the ability of railroads to continue their operations and improve their service under private enterprise; that the real property tax burden on railroads in the state does not fluctuate in accordance with earnings and generally cannot be readily passed on to users of the service because of the industry's economic position; that substantial tax relief will help strengthen railroads financially so that they can contribute their share to the economic well-being of the state; and that therefore it is the policy of the state to grant to the railroads in the state partial tax exemption in a manner which will grant greater relief to the railroads that need it more by giving increasingly greater exemptions as the rate of earnings of a railroad system declines.

§ 489-b. Definitions. When used in this title, unless otherwise expressly stated:

1. "Assessing unit" means a city, town or village.

2. "Railroad company" means a corporation, joint stock company, association, partnership, individual or other person operating a railroad system wholly within the state of New York as a common carrier by rail, including but not limited to a street, surface, underground or elevated railroad, whether as owner, lessee, mortgagee, trustee, receiver or assignee of railroad real property.

3. "Railroad real property" means the land, real estate and real property (as defined in subdivision twelve of section one hundred two of this chapter) of a railroad company, which is used by such railroad company for transportation purposes and which is subject to real property taxation except as provided in this title, and includes (a) such property leased to such railroad company, (b) such property used for transportation purposes by such railroad company under a trackage right or other operating agreement, title to which is in other than a railroad company, as defined in subdivision two of this section and subdivision two of section four hundred eighty-nine-bb of this chapter, (c) such property used or occupied by such railroad company, title to which is in the state or in any municipal corporation thereof under any of the grade crossing elimination acts, and (d) such tangible property of such railroad company situated in, upon, under or above any street, highway, public place or public waters; but does not include the value of any franchise, right or permission to construct, maintain or operate, in, under, above, on or through, streets, highways or public places.

4. "Subsidized railraod real property" means any railroad real property for which a rail service continuation subsidy is paid by the United States or the state of New York.

5. "Tax" or "taxation" means an ad valorem charge or special ad valorem levy imposed upon real property by or on behalf of a county, city, town, village, school district or special district.

§ 489-c. Assessment of real property of railroads. 1. The assessor in

each city, town and village and in each county having a county department of assessment shall annually assess all real property of railroad companies situated in such city, town, village or county, as the case may be, including all railroad real property of such railroad companies as defined in subdivision three of section four hundred eighty-nine-b of this chapter. Where a village has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, the town or county assessor shall apportion that part of the railroad property assessment applicable to the village for purposes of the copy of the part of the town or county assessment roll used for village tax purposes.

2. Railroad real property shall be separately assessed from real property of railroad companies not used for transportation purposes and subsidized railroad real property shall be separately assessed from other railroad real property. The commissioner and railroad companies upon request shall furnish the assessor information and data relating to the classification of the real property of railroads as transportation and non-transportation property and to the identification of subsidized railroad real property. Action by assessors under this subdivision shall not in any way affect the classification of property or the segregation of assessments in accordance with section four hundred eighty-nine-p of this chapter in connection with the application of railroad ceilings.

3. Railroad real property shall be assessed according to value and ownership as of the dates specified by subdivision four of section four hundred eighty-nine-e of this title for the computation of the ceiling of such property.

§ 489-d. Exemption of railroad real property from taxation. 1.

Subsidized railroad real property shall be exempt from taxation. The exemption shall be granted each year only upon (a) application by the owner of said property on a form prescribed by the commissioner and (b) submission of such proof as may be required by the commissioner that the property is subsidized railroad real property. The application and proof shall be filed with the appropriate assessing authority on or before the

appropriate taxable status date, with copies thereof simultaneously filed with the commissioner and the department of transportation.

2. Bridges, viaducts, and other similar structures constructed on or after January first, nineteen hundred fifty-nine as the result of the creation, pursuant to article twelve-B of the highway law, of a new highway, street, or roadway carrying railroad facilities over such new highway, street, or roadway shall be exempt from taxation. No assessment of any bridges, viaducts, and other similar structures lengthened or reconstructed on or after January first, nineteen hundred fifty-nine as the result of the widening, relocation, or reconstruction of an existing highway, street, or roadway, pursuant to article twelve-B of the highway law, shall be increased by reason of such reconstruction or relocation, notwithstanding the provisions of any general, special, or local law to the contrary; provided, however, that the assessment on the original portion of such bridges, viaducts, and other similar structures may be varied in accordance with the changes made generally in assessments on other local real property. Whenever any new construction of property is exempt pursuant to the provisions of this subdivision and the provisions of subdivision three-a or three-b of this section, such property shall receive the exemption provided by subdivision three-a or three-b of this section.

3. Railroad real property shall be exempt from taxation to the extent of any increase in value thereof by reason of any of the following additions, betterments, improvements, or reconstructions made or installed thereon after the last preceding taxable status date prior to April twenty-first, nineteen hundred fifty-nine: (a) the installation of automatic grade crossing protective devices, such as flashing lights or automatic gates and their attendant facilities; (b) the reconstruction or the replacement of signals, railroad bridges, stations, freight houses, classification yards, repair shops, or any other facility used for transportation purposes; provided that the property as reconstructed or replaced is the same general type of facility and is located in the same city or town as the property reconstructed or replaced; and (c) the construction or reconstruction pursuant to the grade crossing elimination acts, the railroad law, or the highway law of any grade

separation structure, such as bridges, viaducts, tunnels, retaining walls, and embankments constructed for the purpose of eliminating or avoiding highway-railroad crossings at grade. Whenever any new construction of property is exempt pursuant to the provisions of this subdivision and the provisions of subdivision three-a or three-b of this section, such property shall receive the exemption provided by subdivision three-a or three-b of this section.

3-a. Whenever a railroad company makes any improvements, enhancements, or upgrades to any existing railroad real property in order to improve freight service or to provide improved or new passenger service, the cost of such project shall not be included in the calculation of any subsequent railroad ceilings for a period of ten years from the date of completion of such project; provided that such project's improvements, enhancements, or upgrades were made pursuant to a capital project proposal approved by the commissioner of the department of transportation, as provided in section four hundred eighty-nine-v of this title. The department of transportation shall certify to the commissioner the location and cost of any such improvements, enhancements, or upgrades in a manner that provides the commissioner with sufficient time to carry out its responsibilities pursuant to this chapter.

3-b. The cost of bridges, viaducts, other structures, or improvements and new rail lines, including any new rail lines built to replace existing rail lines, shall not be included in the calculation of any subsequent railroad ceilings for a period of ten years from the date of completion of such project; provided that such construction was pursuant to a capital project proposal approved by the commissioner of the department of transportation as provided in section four hundred eighty-nine-v of this title. The department of transportation shall certify to the commissioner the location and cost of any such construction in a manner that provides the commissioner with sufficient time to carry out its responsibilities pursuant to this chapter.

4. Except as provided in subdivision five of this section, railroad real property other than subsidized railroad real property shall be

exempt from taxation to the extent that the assessed valuation thereof exceeds the railroad ceiling determined in accordance with the earnings ratio as hereinafter prescribed.

5. Railroad real property other than subsidized railroad real property of a railroad company shall not be exempt from taxation under this title on an assessment roll of any assessing unit if the company failed for any reason to pay within thirty days of the date when due the tax levied upon the taxable portion of the assessment of any railroad real property of the company set forth on the immediately preceding assessment roll of any assessing unit, provided, however, that this subdivision shall not apply if the payment or enforcement of such taxes was restrained or prohibited by an order issued by a court of competent jurisdiction under the bankruptcy act of the United States.

§ 489-e. Railroad ceiling. For the purpose of determining the extent to which railroad real property shall be exempt under this title, a railroad ceiling for the railroad real property other than subsidized railroad real property of each railroad company situated in each assessing unit shall be established annually by the commissioner as follows:

(1) Determine (a) the system reproduction cost in accordance with the provisions of sections four hundred eighty-nine-f and four hundred eighty-nine-g of this chapter, (b) the average railway earnings in accordance with the provisions of sections four hundred eighty-nine-f and four hundred eighty-nine-h of this chapter, (c) the earnings ratio in accordance with the provisions of section four hundred eighty-nine-i of this chapter, (d) the exemption factor in accordance with the provisions of section four hundred eighty-nine-j of this chapter, and (e) the local reproduction cost in accordance with the provisions of sections four hundred eighty-nine-f and four hundred eighty-nine-k of this chapter;

(2) Multiply the local reproduction cost by the exemption factor and subtract the result thereof from the local reproduction cost; and

(3) Multiply the result of such calculations by the state equalization rate determined or established in accordance with the provisions of

section four hundred eighty-nine-l of this chapter. The result shall be the railroad ceiling.

(4) Determinations made pursuant to this section shall be based upon the value of the railroad real property as of the rate valuation date and ownership of such railroad real property as of the thirty-first day of December of the year preceding the year in which the assessment roll to which such ceiling assessment will apply is filed in the office of the city or town clerk, except that those determinations shall be based upon ownership as of the thirty-first day of December of the second year preceding the date required by law for the filing of the final assessment roll for purposes of city assessment rolls required to be filed between January first and June first inclusive and for all village assessment rolls. As used in this subdivision, the term "rate valuation date" means the date as of which the full value of taxable real property on an assesement roll is estimated for purposes of the state equalization rate to be applied in the establishment of the railroad ceiling.

§ 489-f. Relationships among elements used in computation of railroad ceiling. In order to effectuate the legislative policy that the amount of exemptions from real property taxation granted to railroads should be related to their individual rates of earnings, and in order to provide a uniform and equitable method for implementing this policy, the commissioner shall establish and maintain relationships among system reproduction cost, railway earnings, local reproduction cost and the state equalization rates, so that:

(1) System reproduction cost, local reproduction cost and the state equalization rates shall be based so far as may be practicable upon the same period price levels;

(2) System reproduction cost shall include so far as may be practicable the property constituting the railroad system from which the railway earnings were derived for the latest year included in the average railway earnings; and

(3) The aggregate of the local reproduction cost of each railroad company shall approximate the amount included in the system reproduction cost of such railroad company on account of the property included in

such local reproduction costs so far as may be practicable.

§ 489-g. System reproduction cost. 1. The system reproduction cost of each railroad company shall be determined by ascertaining so far as may be practicable for the property of each railroad company used by it for transportation purposes and owned by or leased to it constituting the railroad system: (a) the cost of reproduction new less depreciation of road and equipment, (b) the value of land and rights, including value of rights in land in, above and under any public street, highway or parkway, and (c) working capital including material and supplies, provided, however, that if on the effective date of this title the major portion of the property of a railroad company and the management and control of such company are located outside of the territorial limits of the United States, the system reproduction cost of such railroad company shall consist of the property of such company located within the United States.

2. In making determinations under this section as to the property constituting the railroad system, the commissioner shall classify the property of each railroad company as between transportation or non-transportation so far as may be practicable.

3. In ascertaining depreciation of property under this section, consideration may be given to physical condition, average service lives of groups of property and other factors, which, however, shall not include earnings.

4. As used in this section, the term "value of land" means the value of similar land in the immediate vicinity used for other than railroad transportation purposes, and the term "value of rights in land in, above and under any public street, highway or parkway" means ten percent of the value of land in the immediate vicinity used for other than railroad transportation purposes.

5. In making determinations under this section, the commissioner shall consider the information contained in the publication entitled "Elements

of Value of Property Used in Common Carrier Service" then most recently issued or made available by the bureau of accounts, cost finding and valuation of the interstate commerce commission. The commissioner may consider information available from the commissioner of transportation or other regulatory agency having jurisdiction over the property of such railroad company, as well as information available from other sources, including reports required pursuant to section four hundred eighty-nine-q, and such other information on the subject as may be available to it.

6. In determining a system reproduction cost for purposes of railroad ceilings determined for assessment rolls filed on or after January first, two thousand three, grading shall be deemed a depreciable asset. The allowance for grading in place shall be eighteen percent per annum but shall not exceed ninety percent.

7. In determining a system reproduction cost for purposes of railroad ceilings determined for assessment rolls filed on or after January first, two thousand three, the commissioner shall not include a factor for any construction overhead in its calculation, nor shall such overhead costs be included for any new construction begun on or after the effective date of this subdivision.

8. (a) In determining a system reproduction cost for purposes of railroad ceilings established for assessment rolls filed in two thousand three, the commissioner shall allow for increased depreciation of railroad track. For high speed/high tonnage track and medium speed/high tonnage track, whether main track or side track, depreciation shall be increased to seventy-five percent. For low speed/medium tonnage track, whether main track or side track, depreciation shall be increased to eighty-five percent. For low speed/low tonnage track, whether main track or side track, depreciation shall be increased to ninety percent.

(b) Such increased depreciation pursuant to paragraph (a) of this subdivision shall be granted for railroad ceilings established for assessment rolls filed in two thousand four and thereafter only upon application of a railroad company. Any increased depreciation shall be granted to all the tracks owned by the railroad in this state not

otherwise exempt from inclusion in the calculation of railroad ceilings. Such grant of increased depreciation shall continue for ten years and may be approved for subsequent periods of ten years upon application and compliance with the standards established by rule and regulation. The commissioner shall, in consultation with the department of transportation and the division of the budget, establish by rule and regulation the schedules for increased depreciation and standards for improved service that must be met in order for a railroad to receive such increased depreciation for railroad ceilings established for assessment rolls filed in two thousand four and thereafter. A railroad company that has failed to file an application or failed to meet the standards for improved services contained in any such rules and regulations of the commissioner prior to the establishment of railroad ceilings for assessment rolls filed in two thousand four shall receive one-half the benefit for increased depreciation that such company would have received had such application been made and such standards been met in a timely fashion. The standards for increased depreciation may be based upon increased tonnage, increased level of passenger service, increased number of passenger trains and/or improved on-time performance, increased average speed, and any other factors indicating improved rail service as the commissioner and the department of transportation shall specify.

§ 489-h. Average railway earnings. 1. The average railway earnings shall be determined for each railroad company as follows:

(a) Ascertain so far as may be practicable the revenues which such railroad company is entitled to receive from transportation service and from rents from property constituting the railroad system included in the system reproduction cost;

(b) Ascertain so far as may be practicable the expenses incurred in furnishing transportation service, including expenses incurred in the operation and maintenance of the property constituting the railroad system included in the system reproduction cost, depreciation of such property, rents and other expenses incurred for property used by such railroad company for transportation purposes not included in the system reproduction cost, and United States government taxes for old-age

retirement under the federal railroad retirement tax act and for unemployment insurance under the federal railroad unemployment insurance act but excluding all other taxes;

(c) Subtract the expenses from the revenues and the result shall be the railway earnings; and

(d) Average the railway earnings for the latest five calendar years available prior to the tentative determination of the railroad ceiling. The result shall be the average railway earnings.

2. In making determinations under this section, the commissioner shall consider the information contained in the income, profit and loss statements and other financial statements of the railroad company filed with the interstate commerce commission, and the accounting records maintained by such railroad company in accordance with the uniform system of accounts for railroad companies prescribed by the interstate commerce commission. The commissioner may consider information available from the commissioner of transportation or other regulatory agency having jurisdiction over the accounts of such railroad company, as well as information available from other sources, including reports required pursuant to section four hundred eighty-nine-q and such other information on the subject as may be available to it.

§ 489-i. Earnings ratio. The commissioner shall determine the earnings ratio for each railroad company by ascertaining the ratio of its average railway earnings to its system reproduction cost, computed to the nearest hundredth of one per cent.

§ 489-j. Exemption factor. (a) In accordance with the policy of granting increasingly greater exemptions as the rate of earnings of a railroad company declines, the exemption factor for each railroad company shall be determined in accordance with its earnings ratio. For each railroad company the percentage indicated under "exemption factor" in the following table opposite the earnings ratio of such company shall be the exemption factor. If the earnings ratio of a railroad company does not coincide with a specific earnings ratio indicated in the table,

the exemption factor for such company shall be determined by interpolation to the nearest tenth of one percent.

Earnings Ratio (Percent)	Exemption Factor (Percent)
10	0
9	5
8	10
7	15
6	20
5	30
4	40
3	50
2	60
1	80
0	80

(b) Notwithstanding the provisions of subdivision (a) of this section, for purposes of determining railroad ceilings for intrastate railroads for assessment rolls completed in two thousand three and thereafter, the percentage indicated under "exemption factor" in the table in this subdivision opposite the earnings ratio of the railroad company shall be the exemption factor for each railroad company. If the earnings ratio of a railroad company does not coincide with a specific earnings ratio indicated in the table in this subdivision, the exemption factor for such company shall be determined by interpolation to the nearest hundredth of one percent.

Earnings Ratio (Percent)	Exemption Factor (Percent)
12	0
11	5
10	10
9	15
8	20
7	25
6	30
5	35
4	40
3	50

2	60
1	80
0	85

(c) Notwithstanding the provisions of subdivision (b) of this section, whenever it shall appear that an exemption factor is decreasing more than one-tenth from the exemption factor established in the prior year, such decrease may not exceed one-tenth.

§ 489-k. Unadjusted local reproduction cost and local reproduction cost. 1. The commissioner shall determine the unadjusted local reproduction cost for each railroad company in each assessing unit as follows:

(a) Ascertain in each assessing unit the cost of reproduction new less depreciation of the railroad real property other than land;

(b) Ascertain in each assessing unit the value of the land portion of railroad real property and the value of rights in land in, above and under any public street, highway or parkway used by such railroad company;

(c) Add the amounts ascertained under (a) and (b) above for each assessing unit. The result shall be the unadjusted local reproduction cost.

2. The commissioner shall determine the local reproduction cost for each railroad company in each assessing unit as follows:

(a) Compute the ratio of the total amount included in the system reproduction cost of such railroad company on account of the property included in the unadjusted local reproduction costs for all assessing units to the aggregate of the unadjusted local reproduction costs for all assessing units for such railroad company;

(b) Multiply the unadjusted local reproduction cost for each assessing unit by the ratio computed in (a) above. The result shall be the local reproduction cost.

3. In making determinations under this section, the commissioner shall classify the real property of each railroad company as between transportation or non-transportation so far as may be practicable.

4. In ascertaining depreciation of property under this section, consideration may be given to physical condition, average service lives of groups of property and other factors, which, however, shall not include earnings.

5. As used in this section, the term "value of land" means the value of similar land in the immediate vicinity used for other than railroad transportation purposes and the term "value of rights in land in, above and under any public street, highway or parkway" means ten per cent of the value of land in the immediate vicinity used for other than railroad transportation purposes.

6. The determinations made under this section shall reflect so far as may be practicable the status of the property as of December thirty-first of the preceding year.

7. In making determinations under this section, the commissioner shall consider the information contained in accounts maintained pursuant to the uniform system of accounts for railroad companies prescribed by the interstate commerce commission and in the publication entitled "Elements of Value or Property Used in Common Carrier Service" then most recently issued or made available by the bureau of accounts, cost finding and valuation of the interstate commerce commission. The commissioner may consider information available from the commissioner of transportation and from other sources, including reports required pursuant to section four hundred eighty-nine-q, and such other information on the subject as may be available to it.

§ 489-1. State equalization rate. 1. In determining railroad ceilings, the commissioner shall apply the latest state equalization rate for the assessing unit, except that, if a special equalization rate has been established as provided in subdivision two of this section, such rate shall be applied. For the purposes of this title, the equalization rate to be applied in computing railroad ceilings in the city of New York shall be computed by the commissioner on a city-wide basis, giving

appropriate weight to the latest state equalization rates or special equalization rates of the five counties within such city.

2. The commissioner shall establish a special equalization rate for the purposes of this section where there has been a change in level of assessment on the assessment roll for which a railroad ceiling is to be determined, subject to the provisions of title two of article twelve of this chapter, or the state equalization rate that would otherwise be applied reflects the level of assessment on the property subject to the railroad ceiling or where a final state equalization rate has not been established for the assessment roll of the preceding year.

§ 489-m. Railroad real property used for transportation purposes. In making determinations as to railroad real property which is used for transportation purposes, the commissioner shall consider the manner in which property is classified as property used for transportation purposes in accounts maintained pursuant to the uniform system of accounts for railroad companies as prescribed by the interstate commerce commission and the commissioner of transportation and in the publication of the interstate commerce commission entitled "Elements of Value of Property Used in Common Carrier Service" as well as information available from other sources, including reports required pursuant to section four hundred eighty-nine-q.

§ 489-n. Tentative determination of railroad ceiling; notice, complaints and hearing. 1. Each year the commissioner shall make a tentative determination of each railroad ceiling. Thereafter, the commissioner shall give notice in writing to each assessing unit and each railroad company for which such tentative determination of a railroad ceiling shall have been made specifying the amount of such ceiling and the time and place where the commissioner will meet to hear any complaint concerning such tentative determination. Such notice must be served at least twenty days prior to the date specified for the hearing.

2. A railroad company or assessing unit objecting to a tentative determination of the railroad ceiling must serve its complaint upon the commissioner in writing and a copy thereof upon the assessing unit or railroad company, as the case may be, at least five days before the day specified for the hearing, specifying its objections to such tentative determination. Service may be made either in person or by mail. On or before the date specified for the hearing an affidavit of service shall be filed with the commissioner stating in substance that service has been made in accordance with the provisions of this section.

3. The commissioner shall meet at the time and place specified in such notice to hear complaints in relation to the tentative determination of the railroad ceiling. The provisions of section five hundred twelve of this chapter shall apply so far as may be practicable to a hearing under this section. Nothing contained in this subdivision shall be construed to require a hearing to be conducted when no complaints have been filed.

§ 489-o. Final determination of railroad ceiling; certificate. 1.

After the hearing provided for in section four hundred eighty-nine-n of this title, the state board of real property tax services shall finally determine the railroad ceiling for the railroad real property of each railroad company situated in each assessing unit. Whenever upon complaint the state board shall revise the local reproduction cost of a railroad company in an assessing unit, it shall revise the railroad ceiling therefor to reflect such revision, but it shall not, on account of such revision, modify any other determination with respect to the railroad ceilings for such railroad company for such year.

Notwithstanding the fact that no complaint shall have been filed with respect to a tentative determination of a railroad ceiling, the state board shall give effect to any special equalization rate established, pursuant to subdivision two of section four hundred eighty-nine-l of this title prior to the final determination of the railroad ceiling.

2. Not later than ten days before the last date prescribed by law for the levy of taxes, the state board shall file a certificate setting forth each railroad ceiling as finally determined with the assessor of

the appropriate assessing unit or the town or county assessor who prepares a copy of the applicable part of the town or county assessment roll for village tax purposes as provided in subdivision three of section fourteen hundred two of this chapter, and at the same time shall transmit to each railroad company for which such ceiling has been determined a duplicate copy of such certificate.

3. Any final determination of a railroad ceiling by the state board pursuant to subdivision one of this section shall be subject to judicial review in a proceeding under article seventy-eight of the civil practice law and rules.

§ 489-p. Application of railroad ceiling; computation of exemption.

1. Upon receipt of a certificate setting forth the railroad ceiling for a railroad company, the assessor shall compute for his assessing unit the aggregate of the assessed valuations and portions thereof attributable to railroad real property of such railroad company included in the railroad ceiling. If the aggregate of such assessed valuations, as so computed, does not exceed the ceiling as set forth in the certificate for the railroad company, the assessor shall make no adjustment in such assessed valuations. If, however, the aggregate of such assessed valuations, as so computed, shall exceed the amount of such ceiling as set forth in the certificate, such railroad real property shall be exempt from taxation to the extent of such excess and the assessor shall forthwith reduce the assessments of such railroad real property of such railroad company, so that the aggregate of the taxable assessed valuations of such property shall not exceed such ceiling; provided, however, that the assessor shall make no adjustment in such assessed valuations if the company failed for any reason to pay within thirty days of the date when due the tax levied upon the taxable portion of the assessment of any railroad real property of the company set forth on the immediately preceding assessment roll of any assessing unit unless the payment or enforcement of such tax is restrained or prohibited by an order issued by a court of competent jurisdiction under the bankruptcy act of the United States. In reducing such assessments for the purpose of giving effect to exemptions granted by this title,

the assessor shall distribute such reduction to the parcels affected in direct proportion to the assessed valuations of such railroad real property included in the assessment of each parcel as initially determined by the assessor. The amount so deducted from the assessed valuation of each parcel shall be set forth on the portion of the assessment roll provided for property exempt from taxation. The taxable portion of the assessment remaining on railroad real property shall be apportioned among the school districts and special districts directly in proportion to the apportionments of the assessed valuations of such railroad real property made by the assessor prior to the adjustment for the exemption resulting from application of the railroad ceiling. All certificates of railroad ceilings shall be attached to the assessment roll or filed therewith as provided in article fifteen-C of this chapter.

2. The assessor is hereby authorized and directed to make the reductions, if any, provided for in this section on the assessment roll notwithstanding the fact that he may receive the certificate of the railroad ceiling after the final completion, verification and filing of such assessment roll. Other local officers, including school authorities having custody and control of such roll, are hereby authorized and directed, on the basis of information which shall be furnished by the assessor, to make the reductions provided for in this section.

3. In assessing units for which he is required by law to prepare an assessment roll, the assessor of a county having a county department of assessment shall perform all the acts prescribed for an assessor by this title. Where a village has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, the assessor of the town or county who prepares a copy of this applicable part of the town or county assessment roll for village tax purposes shall also perform the acts prescribed for assessors by this title on behalf of the village.

§ 489-q. Reports to commissioner. Each railroad company shall furnish

the commissioner the following:

1. A copy of all income, profit and loss and other financial statements filed with the interstate commerce commission and the commissioner of transportation; and

2. Such other reports as the commissioner may from time to time require containing such information and data as it may specify, including cost and valuation data relating to or an inventory of the railroad real property of such company situated in each assessing unit, in order to carry out the provisions of this title.

3. Each railroad company shall pay an annual charge to the state office. All costs and expenses of the state office, direct and indirect, incurred in the establishment of railroad ceilings pursuant to this title shall be paid from the collection of an annual charge upon railroad companies. The commissioner shall provide by rule for computation of this charge through the apportionment of these costs and expenses to railroad companies in direct relation to the value of such real property subject to the ceiling. Charges shall be subject to the annual approval of the director of the budget. Any unpaid charge shall be a lien upon the assets of the company and may be enforced by appropriate administrative and judicial proceedings commenced by counsel to the state office.

4. Any railroad company failing to make any report required by or pursuant to this section within a reasonable time specified by the commissioner shall forfeit to the people of the state the sum of one hundred dollars for each failure and the additional sum of fifty dollars for each day that such failure continues. Acknowledgment of receipt of blank reports which contain the penalty provisions of this section shall be deemed sufficient notice of such penalties.

§ 489-r. Inspection of accounts and property of railroad companies. 1. The commissioner or its authorized representative shall have access at reasonable times to all accounts and records established and maintained

by a railroad company relating to its property used for transportation purposes and the earnings derived therefrom.

2. The commissioner or its authorized representative shall have the power at reasonable times to enter in or upon and to inspect the road, equipment, structures and other property of any railroad company.

§ 489-s. Estimated railroad ceiling. Upon application of a county, city, town, village, school district or special district, the commissioner shall establish estimated railroad ceilings for the assessment roll or rolls used thereby. Such estimated railroad ceilings may be used in the computation of average full valuation for tax and debt limit purposes in accordance with the provisions of section 2.00 of the local finance law.

*** § 489-t. Inapplicability of title.** The provisions of this title shall not apply to any railroad real property of any railroad company for which railroad ceilings were not made in the calendar years nineteen hundred seventy-six and nineteen hundred seventy-seven unless such company files with the commissioner a statement in writing that such company elects to have the provisions of this title apply to such company. Any such railroad company may file such statement on or before February first in any year, in which case and at such time, the provisions of this title shall become applicable and the commissioner shall annually thereafter establish railroad ceilings for the railroad real property of such company. Notwithstanding any other provisions of this section, any such railroad company may file such statement on or before July fifteenth in the calendar year nineteen hundred seventy-eight. The provisions of this section shall remain in force and effect only until March thirty-first, nineteen hundred eighty-three.

* NB Expired March 31, 1983

§ 489-u. Inapplicability of title. The provisions of this title shall not apply to railroad real property which is owned by or under the

jurisdiction, supervision or control of either an industrial development agency or a municipal corporation.

§ 489-v. Capital improvements to railroad property. 1. As used in this section:

(a) "Completed capital project" shall mean a capital project which has been certified by the commissioner to be completed in accordance with a capital project proposal approved by the commissioner.

(b) "Capital project proposal" shall mean a proposal, prepared by a railroad company and submitted to the commissioner, which sets forth a proposed capital project. Such proposal shall include a description of the proposed capital project and conditions relating to railroad tracks, roadbeds, bridge and structural improvements, improvements to railroad yards, switches, sidings, or other facilities, signal system improvements, or other railroad projects that improve the efficiency, capacity, or safety of railroad facilities. The proposal shall be reviewed by the commissioner and shall be approved if the commissioner determines that the proposed project is consistent with the provisions of paragraph (e) of this subdivision and rules and regulations prescribed by the department pursuant to this section. Capital project proposals that have been approved by the commissioner may be amended with the approval of the commissioner.

(c) "Commissioner" shall mean the commissioner of the New York state department of transportation.

(d) "Department" shall mean the New York state department of transportation.

(e) "Capital project" shall mean a construction project which shall modify railroad facilities to substantially improve the efficiency, capacity, or safety of railroad freight or passenger transportation, as determined by the commissioner, in one or more of the following manners:

(i) a substantial enhancement in rail freight or passenger transportation performance, such as upgrading the class of the railroad track as track classes are defined in the track safety standards of the United States department of transportation;

(ii) the construction of significant new facilities for rail freight or passenger transportation, such as the construction of new railroad

lines, additional tracks along existing lines, sidings, structures, yards, stations, signal systems or switching facilities, and intermodal facilities, including, but not limited to, automotive, bulk transfer, trailer on flatcar, container on flatcar, and reload facilities; and

(iii) major renovations to or expansions of components of railroad infrastructure, such as the reconstruction of bridges or the increase in bridge capacity, the expansion of railroad yards, or the substantial improvement of the technology or safety of signal systems.

2. (a) A railroad company shall propose a capital project to the commissioner for approval under this section on forms prescribed by the department. The commissioner shall approve capital project proposals that are consistent with the terms of this section and rules and regulations prescribed by the department. The commissioner shall notify the submitting railroad company within thirty days of receipt of a proposal whether or not the commissioner considers the proposal to be consistent with the definition of a capital project as set forth in paragraph (e) of subdivision one of this section.

(b) Upon a railroad company's completion of the construction of a capital project, such railroad company may make application to the commissioner for certification under this section on forms prescribed by the department. If the commissioner finds that such capital project was completed in accordance with, and is in compliance with, an approved capital project proposal, the commissioner is authorized to forward a certificate of approval to the property owner thereof, with the approved capital project proposal for the completed capital project.

(c) The department is hereby authorized to adopt and promulgate rules and regulations necessary for the implementation of this section. Such regulations may relate to the nature and content of eligible capital projects, approved capital project proposals, certifications and notices issued by the commissioner, and completed capital projects. Rules and regulations relating to capital projects and approved capital project proposals or amendments thereto may provide for alternative or contingent terms based on the scope and nature of the capital project.

(d) This section shall apply to any certified completed capital project. The obligations and benefits of this section shall devolve upon the property owner and the heirs, successors, and assigns thereof,

as the case may be.

3. (a) Whenever any alteration of a completed capital project is proposed during the period of exemption pursuant to section four hundred eighty-nine-d or four hundred eighty-nine-dd of this article in a manner that would reduce the utility of the completed capital project, the property owner shall give not less than sixty days notice to the commissioner in a manner and upon such form as shall be prescribed by the department. Such notice shall include information as to the location and nature of such proposed alteration.

(b) The commissioner shall, in response to a notice from a property owner or on the commissioner's own initiative, after notice and hearing, issue a notice of revocation of the certificate of approval issued pursuant to this section for any completed capital project whenever the commissioner finds that:

(i) any completed capital project or portion thereof is not maintained or is converted to a use which precludes the use of the improvement for common carrier railroad use; or

(ii) the property owner fails to give notice of a proposed alteration of such completed capital project pursuant to paragraph (a) of this subdivision; or

(iii) the property owner fails to comply with the terms of the approved capital project proposal for such improved property.

4. Any determination made pursuant to this section shall be binding upon the commissioner in any calculation pursuant to this title or title two-B of this article.

§ 489-w. Railroad ceiling; transitional adjustment. 1. Any reduction in a railroad ceiling established pursuant to this title or title two-B of this article resulting from amendments to this title or title two-B of this article effective in the year two thousand three for assessment rolls filed in two thousand three through two thousand eight shall be adjusted as follows:

(a) Ceilings for assessment rolls filed in two thousand three and two thousand four shall only be reduced by one-fourth of the difference

between the ceilings or assessments against which taxes were levied on assessment rolls filed in two thousand and the ceilings that would be established for the two thousand three and two thousand four assessment rolls but for the provisions of this section.

(b) Ceilings for assessment rolls filed in two thousand five and two thousand six shall only be reduced by one-half of the difference between the ceilings or assessments against which taxes were levied on assessment rolls filed in two thousand, and the ceilings that would be established for the two thousand five and two thousand six assessment rolls but for the provisions of this section.

(c) Ceilings for assessment rolls filed in two thousand seven and two thousand eight shall only be reduced by three-quarters of the difference between the ceilings or assessments against which taxes were levied on assessment rolls filed in two thousand and the ceilings that would be established for the two thousand seven and two thousand eight assessment rolls but for the provisions of this section.

(d) In calculating the limitations created by this section, the commissioner shall reflect any material change in level of assessment calculated pursuant to article twelve of this chapter and any new construction or demolition in the net amount of five hundred thousand dollars or more in any one year.

2. State assistance shall be paid pursuant to this section, beginning in the year two thousand three, to municipal corporations and special districts that are affected by amendments to this title or title two-B of this article enacted in the year two thousand two; provided that the determination of such assistance shall be subject to the approval of the director of the budget.

(a) Upon issuance of a warrant by a tax-levying body for an assessment roll filed in the year two thousand three, the chief fiscal officer of such tax-levying body shall report to the commissioner the amount of taxes due on any assessment of railroad transportation property appearing on such roll, or the taxes that would have been due on the railroad ceiling for that property if such ceiling were higher than the assessment, and the taxes paid on the same assessment of such railroad real property appearing on the assessment roll filed in the year two thousand. A county shall prepare a single report for the cities, towns,

and special districts for which it levies taxes. The commissioner shall thereupon certify to the comptroller payment of state assistance in the amount by which the amount of taxes paid on those assessments or ceilings on the assessment roll filed in the year two thousand exceed the taxes due on the lower of the assessment or ceiling of railroad transportation property appearing on the assessment roll filed in the year two thousand three.

(b) Upon annexation of a warrant to an assessment roll filed in two thousand four through two thousand six, the commissioner shall certify payments in the same amount as those certified for assessment rolls completed in two thousand three. Upon annexation of a warrant to an assessment roll filed in two thousand seven and two thousand eight, the commissioner shall certify payments in the amount of one hundred fifty percent of the amount certified for assessment rolls completed in two thousand three. For assessment rolls completed in two thousand nine through two thousand twelve, the commissioner shall certify payments in the amount of two hundred percent of the amount certified for assessment rolls completed in two thousand three. Any state aid pursuant to this section may be reduced proportionately to reflect an increase in railroad ceilings due to the failure of the owner to receive increased depreciation as provided in section four hundred eighty-nine-g or section four hundred eighty-nine-ii of this article. Such state assistance shall not be available for assessment rolls completed in two thousand thirteen and thereafter.

(c) The amount of any assistance certified pursuant to this section may be modified to reflect proportionally new construction or demolition in the net amount of five hundred thousand dollars or more in any one year.

(d) No payment of state aid shall be made pursuant to this section if a railroad ceiling, adjusted pursuant to paragraph (c) of this subdivision, is higher than the ceiling established for the assessment roll filed in the year two thousand.

(e) No payment of state aid shall be made pursuant to this section if the amount of such payment would be less than one hundred dollars.

3. State assistance shall be paid pursuant to this section to municipal corporations and special districts that are affected by any

exemption of railroad real property as a result of acquisition by a public authority, or lease or sublease of such railroad real property by the public authority; provided that such contract for acquisition, or lease or sublease of such railroad real property by the public authority went into effect in the year two thousand three. Such assistance shall be equivalent to the amount the municipality or special district would have received pursuant to subdivision two of this section as if such acquisition, lease or sublease of such railroad real property by such public authority had not occurred.

TITLE 2-B
**RAILROAD REAL PROPERTY OF INTERSTATE
RAILROAD COMPANIES**

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§ 489-aa. Legislative declaration. It is hereby found and declared that continued operation of the interstate railroads in the state and improvement of their service and facilities are essential to the commerce, defense, and general welfare of the people of the state; that in the year nineteen hundred fifty-nine at a time when the financial condition of railroads in the state had deteriorated to the extent that the continuation of vital operations was threatened, a partial exemption from taxation was granted railroad property in a manner which gave increasingly greater exemptions as the rate of earnings of a railroad system declined; that since that time major interstate railroads operating in New York state have become bankrupt and the earnings of non-bankrupt railroads have also declined substantially; that rail services heretofore operated by the insolvent railroads will continue to be operated by new rail systems of railroad companies created under or in compliance with federal statutes; that federal law requires that the property in the new systems be taxed in a non-discriminatory manner; that in order for the new systems to be viable the railroad property which will constitute such new systems should be eligible for a partial exemption which reflects lack of earnings; that railroad ceilings cannot be established for the new systems under existing formulas without the expenditure of large sums of money to obtain cost data on system railroad property located outside the state; that railroad ceilings established on the basis of the ratio of the operating revenues and expenses of a railroad system will accomplish the same policy; and, therefore, that various provisions of the railroad partial tax exemption law applicable to interstate railroads must be changed in order to extend the partial exemption to the new rail systems.

§ 489-bb. Definitions. When used in this title, unless otherwise expressly stated:

1. "Assessing unit" means a city, town or village.
2. "Railroad company" means a corporation , joint stock company,

association, partnership, individual or other person operating a railroad system both within and without the State of New York as a common carrier by rail, including but not limited to a street, surface, underground or elevated railroad and any corporation created under or in compliance with the rail passenger service act of nineteen hundred seventy or the regional rail reorganization act of nineteen hundred seventy-three as those acts were amended to April first, nineteen hundred seventy-six, whether as owner, lessee, mortgagee, trustee, receiver or assignee of railroad real property.

3. "Railroad real property" means the land, real estate and real property (as defined in subdivision twelve of section one hundred two of this chapter) of a railroad company, which is used by such railroad company for transportation purposes and which is subject to real property taxation except as provided in this title, and includes (a) such property leased to such railroad company, (b) such property used for transportation purposes by such railroad company under a trackage right or other operating agreement, title to which is in other than a railroad company as defined in subdivision two of this section and subdivision two of section four hundred eighty-nine-b of this chapter, (c) such property used or occupied by such railroad company, title to which is in the state or in any municipal corporation thereof under any of the grade crossing elimination acts, and (d) the tangible property of such railroad company situated in, upon, under or above any street, highway, public place or public waters; but does not include the value of any franchise, right or permission to construct, maintain or operate, in, under, above, on or through, streets, highways or public places.

4. "Subsidized railroad real property" means any railroad real property for which a rail service continuation subsidy is paid by the United States or the state of New York.

5. "Tax" or "taxation" means an ad valorem charge or special ad valorem levy imposed upon real property by or on behalf of a county, city, town, village, school district or special district.

§ 489-cc. Assessment of real property of railroads. 1. The assessor in each city, town and village and in each county having a county department of assessment shall annually assess all real property of railroad companies situated in such city, town, village or county, as the case may be, including all railroad real property of such railroad companies as defined in subdivision three of section four hundred eighty-nine-bb of this chapter. Where a village has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, the town or county assessor shall apportion that part of the railroad property assessment applicable to the village for purposes of the copy of the part of the town or county assessment roll used for village tax purposes.

2. Railroad real property shall be separately assessed from real property of railroad companies not used for transportation purposes, and subsidized railroad real property shall be separately assessed from all other railroad real property. The commissioner and railroad companies upon request shall furnish the assessor information and data relating to the classification of the real property of railroads as transportation and non-transportation property and to the identification of subsidized railroad real property. Action by assessors under this subdivision shall not in any way affect the classification of property or the segregation of assessments in accordance with section four hundred eighty-nine-mm of this chapter in connection with the application of railroad ceilings.

3. Railroad real property shall be assessed according to its value and ownership as of the dates specified by subdivision four of section four hundred eighty-nine-ee of this title for the computation of the ceiling of such property.

§ 489-dd. Exemption of railroad real property from taxation. 1. Subsidized railroad real property shall be exempt from taxation. The exemption shall be granted each year only upon (a) application by the owner of said property on a form prescribed by the commissioner and (b) submission of such proof as may be required by the commissioner that the property is subsidized railroad real property. The application and proof

shall be filed with the appropriate assessing authority on or before the appropriate taxable status date, with copies thereof simultaneously filed with the commissioner and the department of transportation.

2. Bridges, viaducts and other similar structures constructed on or after January first, nineteen hundred fifty-nine as the result of the creation, pursuant to article twelve-B of the highway law, of a new highway, street, or roadway carrying railroad facilities over such new highway, street, or roadway shall be exempt from taxation. No assessment of any bridges, viaducts, and other similar structures lengthened or reconstructed on or after January first, nineteen hundred fifty-nine as the result of the widening, relocation, or reconstruction of an existing highway, street, or roadway, pursuant to article twelve-B of the highway law, shall be increased by reason of such reconstruction or relocation, notwithstanding the provisions of any general, special, or local law to the contrary; provided, however, that the assessment on the original portion of such bridges, viaducts and other similar structures may be varied in accordance with the changes made generally in assessments on other local real property. Whenever any new construction of property is exempt pursuant to the provisions of this subdivision and the provisions of subdivision six or seven of this section, such property shall receive the exemption provided by subdivision six or seven of this section.

3. Railroad real property shall be exempt from taxation to the extent of any increase in value thereof by reason of any of the following additions, betterments, improvements, or reconstructions made or installed thereon after the last preceding taxable status date prior to April twenty-first, nineteen hundred fifty-nine: (a) the installation of automatic grade crossing protective devices, such as flashing lights or automatic gates and their attendant facilities; (b) the reconstruction or the replacement of signals, railroad bridges, stations, freight houses, classification yards, repair shops, or any other facility used for transportation purposes; provided that the property as reconstructed or replaced is the same general type of facility and is located in the same city or town as the property reconstructed or replaced; and (c) the construction or reconstruction pursuant to the grade crossing elimination acts, the railroad law, or the highway law of any grade

separation structure, such as bridges, viaducts, tunnels, retaining walls, and embankments constructed for the purpose of eliminating or avoiding highway-railroad crossings at grade. Whenever any new construction is exempt pursuant to the provisions of this subdivision and the provisions of subdivision six or seven of this section, such property shall receive the exemption provided by subdivision six or seven of this section.

4. Except as provided in subdivision five of this section, railroad real property other than subsidized railroad real property shall be exempt from taxation to the extent that the assessed valuation thereof exceeds the railroad ceiling determined in accordance with the earnings ratio as hereinafter prescribed.

5. Railroad real property other than subsidized railroad real property of a railroad company shall not be exempt from taxation under this title on an assessment roll of any assessing unit if the company failed for any reason to pay within thirty days of the date when due the tax levied upon the taxable portion of the assessment of any railroad real property of the company set forth on the immediately preceding assessment roll of any assessing unit provided, however, that this subdivision shall not apply if the payment or enforcement of such taxes was restrained or prohibited by an order issued by a court of competent jurisdiction under the bankruptcy act of the United States.

6. Whenever a railroad company makes any improvements, enhancements, or upgrades to any existing railroad real property in order to improve freight service or to provide improved or new passenger service, the cost of such project shall not be included in the calculation of any subsequent railroad ceilings for a period of ten years from the date of completion of that project; provided that such project's improvements, enhancements, or upgrades were made pursuant to a capital project proposal approved by the commissioner of the department of transportation as provided in section four hundred eighty-nine-v of this article. The department of transportation shall certify to the commissioner the location and cost of any such improvements, enhancements, or upgrades in a manner that provides the commissioner

with sufficient time to carry out its responsibilities pursuant to this chapter.

7. The cost of bridges, viaducts, other structures, or improvements and new rail lines, including any new rail lines built to replace existing rail lines, shall not be included in the calculation of any subsequent railroad ceilings for a period of ten years from the date of completion of such project; provided that such construction was pursuant to a capital project proposal approved by the commissioner of the department of transportation as provided in section four hundred eighty-nine-v of this article. The department of transportation shall certify to the commissioner the location and cost of any such construction in a manner that provides the commissioner with sufficient time to carry out its responsibilities pursuant to this chapter.

§ 489-ee. Railroad ceiling. A railroad ceiling for the railroad real property other than subsidized railroad real property of each railroad company situated in each assessing unit shall be established annually by the commissioner as follows:

1. Determine (a) the average railway revenues and expenses in accordance with the provisions of section four hundred eighty-nine-ff of this chapter, (b) a ratio in accordance with the provisions of section four hundred eighty-nine-gg of this chapter, (c) the economic factor in accordance with the provisions of section four hundred eighty-nine-hh of this chapter, and (d) the local reproduction cost in accordance with the provisions of section four hundred eighty-nine-ii of this chapter;

2. Multiply the local reproduction cost by the economic factor; and

3. Multiply the result of such calculation by the state equalization rate determined or established in accordance with the provisions of section four hundred eighty-nine-jj of this chapter. The result shall be the railroad ceiling.

4. Determinations made pursuant to this section shall be based upon

the value of the railroad real property as of the rate valuation date and ownership of such railroad real property as of the thirty-first day of December of the year preceding the year in which the assessment roll to which such ceiling assessment will apply is filed in the office of the city or town clerk, except that those determinations shall be based upon ownership as of the thirty-first day of December of the second year preceding the date required by law for the filing of the final assessment roll for purposes of city assessment rolls required to be filed between January first and June first inclusive and for all village assessment rolls. As used in this subdivision, the term "rate valuation date" means the date as of which the full value of taxable real property on an assessment roll is estimated for purposes of the state equalization rate to be applied in the establishment of the railroad ceiling.

§ 489-ff. Average railway revenues and expenses. 1. The average railway revenues shall be determined for each railroad company as follows:

(a) Ascertain so far as may be practicable the revenues which such railroad company is entitled to receive from transportation service and from operations incident thereto and from rents derived from property, other than transportation equipment, used for transportation purposes, and either increase that amount by the net rental receivable or decrease it by the net rental payable for the possession or use of transportation equipment;

(b) Average the revenue ascertained pursuant to paragraph (a) of this subdivision for the most recent five fiscal years ending on or before the last day of December immediately preceding the tentative determination of the railroad ceiling. If a railroad company shall have operated for less than such five years, then average the revenue for the number of years of operation immediately preceding the tentative determination of the railroad ceiling. The result shall be the average railway revenues.

2. The average railway expenses shall be determined for each railroad company as follows:

(a) Ascertain so far as may be practicable the expenses incurred in furnishing transportation service and in operations incident thereto, including the expense of rents on and maintenance and depreciation of the property used in the service and taxes for old-age retirement and unemployment insurance but excluding all other taxes;

(b) Average the expenses ascertained pursuant to paragraph (a) of this subdivision for the most recent five fiscal years ending on or before the last day of December immediately preceding the tentative determination of the railroad ceiling. If a railroad company shall have operated for less than such five years, then average the expenses for the number of years of operation immediately preceding the tentative determination of the railroad ceiling. The result shall be the average railway expenses.

3. If on the effective date of this title, the major portion of the property of a railroad company and the management and control of such company are located outside of the territorial limits of the United States, the average railway revenues and expenses of such railroad company shall consist of the revenues and expenses as defined above attributable to transportation operations in the United States.

4. In making determinations under this section, the commissioner shall consider the information contained in the income, profit and loss statements and other financial statements of each railroad company filed with the interstate commerce commission, and the accounting records maintained by such railroad company in accordance with the uniform system of accounts for railroad companies prescribed by the interstate commerce commission. The commissioner may consider information available from the commissioner of transportation or other regulatory agency having jurisdiction over the accounts of such railroad company, as well as information available from other sources, including reports required pursuant to section four hundred eighty-nine-nn of this chapter, and such other information as may be available to it.

§ 489-gg. Ratio. The commissioner shall compute to the nearest thousandth of one percent a ratio for each railroad company by dividing

its average railway expenses by its average railway revenues; provided, however, that if a railroad company shall have operated for less than one full year prior to the first day of the year in which a tentative determination of a railroad ceiling for that railroad company is made, then the ratio for that ceiling of that railroad company shall be one.

§ 489-hh. Economic factor. (a) In accordance with the policy of reflecting the effect of the rate of earnings of a railroad company upon the taxable value of its railroad property, an economic factor for each railroad company shall be determined in relation to its ratio computed pursuant to section four hundred eighty-nine-gg of this title. The said economic factor shall be twenty percent if the ratio is one or more, forty percent if the ratio is nine-tenths and one hundred percent if the ratio is three-fourths or less. The said economic factor shall be determined by interpolation to the nearest tenth of one percent if the ratio is between one and nine-tenths or between nine-tenths and three-fourths.

(b) Notwithstanding the provisions of subdivision (a) of this section, for purposes of determining railroad ceilings for interstate railroads for assessment rolls completed in two thousand three and thereafter, the percentage indicated opposite the ratio in the table in this subdivision shall be the economic factor. If the ratio does not coincide with a specific rate indicated in the table in this subdivision, the economic factor for such company shall be determined by interpolation to the nearest tenth of one percent.

Ratio	Economic Factor (Percent)
.60	100
.65	85
.70	70
.75	60
.80	50
.85	40
.90	30
.95	20
1.00	15

(c) Notwithstanding the provisions of subdivision (b) of this section, whenever it shall appear that an economic factor is increasing more than one-tenth from the economic factor established in the prior year, such increase may not exceed one-tenth.

§ 489-ii. Local reproduction cost. 1. The commissioner shall determine the local reproduction cost for each railroad company in each assessing unit as follows:

(a) Ascertain in each assessing unit the cost of reproduction new less depreciation of the railroad real property other than land;

(b) Ascertain in each assessing unit the value of the land portion of railroad real property and the value of rights in land in, above and under any public street, highway or parkway used by such railroad company;

(c) Add the amounts ascertained under paragraphs (a) and (b) above for each assessing unit. The result shall be the local reproduction cost.

2. Local reproduction cost and the state equalization rates used in establishing railroad ceilings shall be based so far as practicable upon the same period price levels.

3. In making determinations under this section, the commissioner shall classify the real property of each railroad company as either transportation or non-transportation so far as may be practicable and shall consider the manner in which such property is classified as property used for transportation purposes in accounts maintained pursuant to the uniform system of accounts for railroad companies as prescribed by the interstate commerce commission and the commissioner of transportation and in the publication of the interstate commerce commission entitled "Elements of Value of Property Used in Common Carrier Service" as well as information available from other sources, including reports required pursuant to section four hundred eighty-nine-nn of this chapter.

4. In ascertaining depreciation of property under this section, consideration may be given to physical condition, average service lives

of groups of property and other factors, which however, shall not include earnings.

5. As used in this section, the term "value of land" means the value of similar land in the immediate vicinity used for other than railroad transportation purposes and the term "value of rights in land in, above and under any public street, highway or parkway" means ten per cent of the value of land in the immediate vicinity used for other than railroad transportation purposes.

6. The determinations made under this section shall reflect so far as may be practicable the status of the property as of December thirty-first of the preceding year.

7. In determining local reproduction cost for purposes of railroad ceilings determined for assessment rolls filed on or after January first, two thousand three, grading shall be deemed a depreciable asset. The allowance for depreciation of grading shall be eighteen percent for each year in service up to a total of ninety percent.

8. In determining local reproduction cost for purposes of railroad ceilings determined for assessment rolls filed on or after January first, two thousand three, the commissioner shall not include a factor for any construction overhead in its calculation, nor shall such overhead costs be included for any new construction begun on or after the effective date of this subdivision.

9. In determining a local reproduction cost for purposes of railroad ceilings established for assessment rolls filed in two thousand three, the commissioner shall allow for increased depreciation of railroad track. For high speed/high tonnage track and medium speed/high tonnage track, whether main track or side track, depreciation shall be increased to seventy-five percent. For low speed/medium tonnage track, whether main track or side track, depreciation shall be increased to eighty-five percent. For low speed/low tonnage track, whether main track or side track, depreciation shall be increased to ninety percent. Such increased depreciation shall only be granted for railroad ceilings established for

assessment rolls filed in two thousand four upon application of a railroad company. Any increased depreciation shall be granted to all the tracks owned by the railroad in this state not otherwise exempt from inclusion in the calculation of railroad ceilings. The commissioner shall, in consultation with the department of transportation and the division of the budget, establish by rule and regulation the schedules for increased depreciation and standards for improved service that shall be met in order for a railroad company to receive such increased depreciation for railroad ceilings established for assessment rolls filed in two thousand four and thereafter. A railroad company that has failed to file an application or failed to meet the standards for improved services contained in the rules and regulations of the commissioner prior to the establishment of railroad ceilings for assessment rolls filed in two thousand four shall receive one-half of the benefit for increased depreciation that it would have received had such application been made or such standards been met in a timely fashion. The standards for increased depreciation shall be based upon increased tonnage, increased level of passenger service, increased number of passenger trains and/or improved on-time performance, increased average speed, and any other factors indicating improved rail service as the commissioner and the department of transportation shall specify.

§ 489-jj. State equalization rate. 1. In determining railroad ceilings, the commissioner shall apply the latest state equalization rate for the appropriate assessing unit, except that, if a special equalization rate has been established as provided in subdivision two of this section, such rate shall be applied. For the purposes of this title, the equalization rate to be applied in computing railroad ceilings in the city of New York shall be computed by the commissioner on a city-wide basis, giving appropriate weight to the latest state equalization rates or special equalization rates of the five counties within such city.

2. The commissioner shall establish a special equalization rate for the purposes of this section where there has been a change in level of

assessment on the assessment roll for which a railroad ceiling is to be determined, subject to the provisions of title two of article twelve of this chapter, or the state equalization rate that would otherwise be applied reflects the level of assessment on the property subject to the railroad ceiling or where a final state equalization rate has not been established for the assessment roll of the preceding year.

§ 489-kk. Tentative determination of railroad ceiling; notice, complaints and hearing. 1. Each year the commissioner shall make a tentative determination of each railroad ceiling. Thereafter, the commissioner shall give notice in writing to each assessing unit and each railroad company for which such tentative determination of a railroad ceiling shall have been made specifying the amount of such ceiling and the time and place where the commissioner will meet to hear any complaint concerning such tentative determination. Such notice must be served at least twenty days prior to the date specified for the hearing.

2. A railroad company or assessing unit objecting to a tentative determination of the railroad ceiling must serve its complaint upon the commissioner in writing and a copy thereof upon the assessing unit or railroad company, as the case may be, at least five days before the day specified for the hearing, specifying its objections to such tentative determination. Service may be made either in person or by mail. On or before the date specified for the hearing an affidavit of service shall be filed with the commissioner stating in substance that service has been made in accordance with the provisions of this section.

3. The commissioner shall meet at the time and place specified in such notice to hear complaints in relation to the tentative determination of the railroad ceiling. The provisions of section five hundred twelve of this chapter shall apply so far as may be practicable to a hearing under this section. Nothing contained in this subdivision shall be construed to require a hearing to be conducted when no complaints have been filed.

§ 489-ll. Final determination of railroad ceiling; certificate. 1.

After the hearing provided for in section four hundred eighty-nine-kk of this title, the state board of real property tax services shall finally determine the railroad ceiling for the railroad real property of each railroad company situated in each assessing unit. Whenever upon complaint the state board shall revise the local reproduction cost of a railroad company in an assessing unit, it shall revise the appropriate railroad ceiling to reflect such revision, but it shall not, on account of such revision, modify any other determination with respect to the railroad ceilings for such railroad company for such year.

Notwithstanding the fact that no complaint shall have been filed with respect to a tentative determination of a railroad ceiling, the state board shall give effect to any special equalization rate established pursuant to subdivision two of section four hundred eighty-nine-jj of this title prior to the final determination of the railroad ceiling.

2. Not later than ten days before the last date prescribed by law for the levy of taxes, the state board shall file a certificate setting forth each railroad ceiling as finally determined with the assessor of the appropriate assessing unit or the town or county assessor who prepares a copy of the applicable part of the town or county assessment roll for village tax purposes as provided in subdivision three of section fourteen hundred two of this chapter, and at the same time shall transmit to each railroad company for which such ceiling has been determined a duplicate copy of such certificate.

3. Any final determination of a railroad ceiling by the state board pursuant to subdivision one of this section shall be subject to judicial review in a proceeding under article seventy-eight of the civil practice law and rules.

§ 489-mm. Application of railroad ceiling; computation of exemption.

1. Upon receipt of a certificate setting forth the railroad ceiling for a railroad company, the assessor shall compute for his assessing unit the aggregate of the assessed valuations and portions thereof attributable to railroad real property of such railroad company for

which a railroad ceiling has been determined. If the aggregate of such assessed valuations, as so computed, does not exceed the ceiling as set forth in the certificate for the railroad company, the assessor shall make no adjustment in such assessed valuations. If, however, the aggregate of such assessed valuations, as so computed, shall exceed the amount of such ceiling as set forth in the certificate, such railroad real property shall be exempt from taxation to the extent of such excess and the assessor shall forthwith reduce the assessments of such railroad real property of such railroad company, so that the aggregate of the taxable assessed valuations of such property shall not exceed such ceiling; provided, however, that the assessor shall make no adjustment in such assessed valuations if the company failed for any reason to pay within thirty days of the date when due the tax levied upon the taxable portion of the assessment of any railroad real property of the company set forth on the immediately preceding assessment roll of any assessing unit unless the payment or enforcement of such tax was restrained or prohibited by an order issued by a court of competent jurisdiction under the bankruptcy act of the United States. In reducing such assessments for the purpose of giving effect to exemptions granted by this title, the assessor shall distribute such reduction to the parcels affected in direct proportion to the assessed valuations of such railroad real property included in the assessment of each parcel as initially determined by the assessor. The amount so deducted from the assessed valuation of each parcel shall be set forth on the portion of the assessment roll provided for property exempt from taxation. The taxable portion of the assessment remaining on railroad real property shall be apportioned among the school districts and special districts directly in proportion to the apportionments of the assessed valuations of such railroad real property made by the assessor prior to the adjustment for the exemption resulting from application of the railroad ceiling. All certificates of railroad ceilings shall be attached to the assessment roll or filed therewith as provided in article fifteen-C of this chapter.

2. The assessor is hereby authorized and directed to make the reductions, if any, provided for in this section on the assessment roll notwithstanding the fact that he may receive the certificate of the

railroad ceiling after the final completion, verification and filing of such assessment roll. Other local officers, including school authorities having custody and control of such roll, are hereby authorized and directed, on the basis of information which shall be furnished by the assessor, to make the reductions provided for in this section.

3. In assessing units for which he is required by law to prepare an assessment roll, the assessor of a county having a county department of assessment shall perform all the acts prescribed for an assessor by this title. Where a village has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, the assessor of the town or county who prepares a copy of the applicable part of the town or county assessment roll for village tax purposes shall also perform the acts prescribed for assessors by this title on behalf of the village.

§ 489-nn. Reports to commissioner. 1. Each railroad company shall furnish the commissioner the following:

(a) A copy of all income, profit and loss and other financial statements filed with the interstate commerce commission or any other federal agency or officer and the commissioner of transportation; and

(b) Such other reports as the commissioner may from time to time require containing such information and data as it may specify, including cost and valuation data relating to or an inventory of the railroad real property of such company situated in each assessing unit, in order to carry out the provisions of this title.

2. Each railroad company shall pay an annual charge to the state office. All costs and expenses of the state office, direct and indirect, incurred in the establishment of railroad ceilings pursuant to this title shall be paid from the collection of an annual charge upon railroad companies. The commissioner shall provide by rule for computation of this charge through the apportionment of these costs and expenses to railroad companies in direct relation to the value of such real property subject to the ceiling. Charges shall be subject to the

annual approval of the director of the budget. Any unpaid charge shall be a lien upon the assets of the company and may be enforced by appropriate administrative and judicial proceedings commenced by counsel to the state office.

3. Any railroad company failing to make any report required by or pursuant to this section within a reasonable time specified by the commissioner shall forfeit to the people of the state the sum of one hundred dollars for each failure and the additional sum of fifty dollars for each day that such failure continues. Acknowledgement of receipt of blank reports which contain the penalty provisions of this section shall be deemed sufficient notice of such penalties.

§ 489-oo. Inspection of accounts and property of railroad companies.

1. The commissioner or its authorized representative shall have access at reasonable times to all accounts and records established and maintained by a railroad company relating to its property used for transportation purposes and the earnings derived therefrom.

2. The commissioner or its authorized representative shall have the power at reasonable times to enter in or upon and to inspect the road, equipment, structures and other property of any railroad company.

§ 489-pp. Estimated railroad ceiling. Upon application of a county, city, town, village, school district or special district, the commissioner shall establish estimated railroad ceilings for the assessment roll or rolls used thereby. Such estimated railroad ceilings may be used in computation of average full valuation for tax and debt limit purposes in accordance with the provisions of section 2.00 of the local finance law.

§ 489-qq. Determination of railroad ceilings for certain railroads in transition. Notwithstanding any other provision of this title, railroad ceilings established during the first five years in which such ceilings

are made pursuant to this title for railroad real property acquired (a) from a railroad in reorganization as defined in the regional rail reorganization act of nineteen hundred seventy-three by a profitable railroad as defined in that act or by a subsidiary thereof or (b) from any source or in any manner by any corporation created under or in compliance with that act or the rail passenger service act of nineteen hundred seventy shall be established by using an economic factor of twenty percent and by using, except for property for which local reproduction cost was not determined prior to the effective date of this act, the same local reproduction cost as would have been used if acquisition of the property by the said corporations had not occurred.

*** § 489-rr. Inapplicability of title.** The provisions of this title shall not apply to any railroad real property of any railroad company for which railroad ceilings were not made in the calendar years nineteen hundred seventy-six and nineteen hundred seventy-seven unless such company files with the commissioner a statement in writing that such company elects to have the provisions of this title apply to such company. Any such railroad company may file such statement on or before February first in any year, in which case and at such time, the provisions of this title shall become applicable and the commissioner shall annually thereafter establish railroad ceilings for the railroad real property of such company. Notwithstanding any other provisions of this section, any such railroad company may file such statement on or before July fifteenth in the calendar year nineteen hundred seventy-eight. The provisions of this section shall remain in force and effect only until March thirty-first, nineteen hundred eighty-three.

* NB Expired March 31, 1983

§ 489-ss. Inapplicability of title. The provisions of this title shall not apply to railroad real property which is owned by or under the jurisdiction, supervision or control of either an industrial development agency or a municipal corporation.

TITLE 2-C

TAX EXEMPTION FOR CERTAIN INDUSTRIAL AND COMMERCIAL PROPERTIES IN A CITY OF ONE MILLION OR MORE PERSONS

Section 489-aaa. Definitions.

489-bbb. Industrial and commercial incentive board.

489-ccc. Functions, powers and duties of the board; annual designation of exemption areas and restricted commercial uses.

489-ddd. Real property tax exemption.

489-eee. Applications for certificates of eligibility.

489-fff. Approval of tax exemption.

489-ggg. Continuation of tax exemption; termination of tax exemption.

489-hhh. Extension of time for completion.

489-iii. Prior certificates of eligibility.

§ 489-aaa. Definitions. When used in this title:

1. "Applicant" means any person or corporation obligated to pay real property taxes on the property for which an exemption is sought, or in the case of exempt property, the record owner thereof, provided, however, that such property is not commercial property located in an area designated as excluded pursuant to section four hundred eighty-nine-ccc of this title;

2. "Board" means the industrial and commercial incentive board;

3. "Commercial" means any non-residential property used primarily for the buying, selling or otherwise providing of goods or services, provided that the use of such property has not been designated as a restricted commercial use pursuant to section four hundred eighty-nine-ccc of this title;

4. "Construction" means the building of new industrial or commercial structures on vacant or predominantly vacant land, or the modernization, rehabilitation or expansion or other improvement of an existing

commercial structure where such modernization, rehabilitation, expansion or other improvement is not physically or functionally integrated with the existing structure or results in additional usable square footage fifty per centum greater than the square footage of the existing structure;

5. "Industrial" means property used primarily for the manufacturing or assembling of goods or the processing of raw materials;

6. "Predominantly vacant land" means land, including land under water, on which not more than fifteen percent of the lot area contains enclosed, permanent improvements; in addition, such land may include existing foundations. A fence, shed, garage, attendant's booth, paving, pier, bulkhead, lighting fixtures, and similar items, or any improvement having an assessed value of less than two thousand dollars shall not constitute an enclosed, permanent improvement;

7. "Reconstruction" means the modernization, rehabilitation, expansion or other improvement of an existing commercial or industrial structure where the total proposed project cost is in an amount equal to at least twenty percentum of the assessed value of the property at the time an application for a certificate of eligibility pursuant to this title is made, and where such modernization, rehabilitation, expansion or other improvement is physically and functionally integrated with the existing structure and does not create additional usable square footage greater than fifty per centum of the usable square footage of the existing structure except in a case where the existing structure has been substantially destroyed by fire or other casualty;

8. "Residential property" shall mean property, other than property used for hotel purposes, on which will exist upon completion of construction a building or structure containing more than one independent dwelling unit or where more than one-third of the total square footage of said structure is to be used for residential purposes; it shall also mean, in the case of reconstruction, property on which exists or will exist upon completion of the reconstruction a building or structure where more than one-third of the total square footage is used

or is to be used for dwelling purposes;

9. "Vacant land" means land, including land under water, which contains no enclosed, permanent improvement. A fence, shed, garage, attendant's booth, paving, pier, bulkhead, lighting fixtures, and similar items, or any improvement having an assessed value of less than two thousand dollars shall not constitute an enclosed, permanent improvement;

§ 489-bbb. Industrial and commercial incentive board. Any city of one million or more persons may, by local law, establish an industrial and commercial incentive board to consist of the deputy mayor for, economic policy and development, who shall be chairman of the board, the commissioner of finance, the chairman of the city planning commission and the director of management and budget, each of whom shall have the power to designate an alternate to represent him at board meetings with all the rights and powers, including the right to vote, reserved to all board members, provided that such designation be in writing to the chairman of the board, and three other members to be appointed by the mayor. In addition, the borough president of each borough or his designated representative, shall be a member of such board for the purpose of taking action with respect to property located in his borough. The members of any board established pursuant to this section who shall be agents, officers, or employees of said city shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The members of any board established pursuant to this section who are not agents, officers, or employees of said city shall receive as compensation for their services one hundred dollars per diem, provided, however, that the total compensation paid to any such member shall not exceed twelve hundred dollars for any calendar year. Four members of any such board shall constitute a quorum.

§ 489-ccc. Functions, powers and duties of the board; annual designation of exemption areas and restricted commercial uses. 1. The

members of the board shall have the following functions, powers and duties:

(a) to receive and review applications for certificates of eligibility pursuant to this title and pursuant to any local law authorized by chapter seven hundred seventy-two of the laws of nineteen hundred sixty-six, containing provisions analogous to subsection four-d thereof;

(b) to make findings and determinations on the qualification of applicant for certificates of eligibility pursuant to this title and pursuant to any local law authorized by chapter seven hundred seventy-two of the laws of nineteen hundred sixty-six, containing provisions analogous to subdivision (f) of subsection one hundred one thereof;

(c) to issue certificates of eligibility and amendments thereto;

(d) to make recommendations to the tax commission on the termination of a tax exemption pursuant to section four hundred eighty-nine-ggg of this title;

(e) to designate annually, pursuant to subdivision two of this section, areas in which exemptions for commercial construction or reconstruction shall be granted as of right, areas from which such exemptions shall be excluded and commercial uses for which the granting of exemptions shall be restricted; and

(f) to make and promulgate rules and regulations to carry out the purposes of the board.

2. (a) Not later than October first of each year the board shall publish a notice at least once in the official paper or a newspaper of general circulation in the city setting forth: (i) the proposed boundaries of areas in which commercial construction or reconstruction shall be granted exemptions as of right, proposed boundaries of areas from which exemptions for commercial construction or reconstruction shall be excluded and proposed restricted commercial uses; and (ii) the date, not earlier than ten nor later than thirty days following the publication of such notice, on which the board will hold a public hearing to hear all persons interested in the designation of such boundaries and restricted commercial uses.

(b) Not earlier than ten nor later than thirty days following the conclusion of the public hearing provided for in paragraph (a) of this

subdivision, the board shall designate the boundaries of areas in which exemptions for commercial construction or reconstruction shall be granted as of right and areas from which such exemptions shall be excluded and shall also designate restricted commercial uses. Such designations shall be made upon the following determinations:

(i) With respect to areas in which exemption for commercial construction or reconstruction shall be granted as of right, the board shall determine that market conditions in each area are such that exemptions are required to attract commercial construction or reconstruction to the area and that attracting such construction or reconstruction, and the granting of exemptions therefor, are in the public interest. In making such determination, the board may consider, among other factors, that the area is experiencing economic distress or is characterized by an unusually large number of vacant, underutilized, unsuitable or substandard structures, or by other substandard, unsanitary, deteriorated or deteriorating conditions, with or without tangible blight, or that commercial development in the area will be beneficial to the city's economy.

(ii) With respect to areas from which exemptions for commercial construction or reconstruction are to be excluded, the board shall determine that market conditions in each area are such that exemptions are not required to attract commercial construction or reconstruction to the area, or that it is not in the public interest to grant exemptions for commercial construction or reconstruction in the area. No applications for exemptions for commercial construction or reconstruction shall be accepted from such areas.

(iii) With respect to restricted commercial uses, the board shall determine that it is not in the public interest to grant exemptions for such uses unless the board further determines that in certain areas designated pursuant to this subdivision, such uses will have an especially positive impact on the area's economy. All applications for exemptions for restricted commercial uses shall be determined pursuant to paragraphs (b) and (c) of subdivision two of section four hundred eighty-nine-eee of this title.

(c) Designations made pursuant to this subdivision shall be effective on the first day of January of each year.

3. So far as practicable and subject to the approval of the mayor, the services of all other city departments and agencies shall be made available by their respective heads to the board for the carrying out of the functions stated in this title. The head of any department or agency shall furnish information in the possession of such department or agency when the board, after consultation with the mayor, so requests.

§ 489-ddd. Real property tax exemption. 1. A real property tax exemption pursuant to this title shall be granted to an applicant who, within a period of thirty-six months, or following an extension pursuant to section four hundred eighty-nine-hhh of this title within a period of forty-eight months, from the date of issuance of a certificate of eligibility has completed reconstruction or construction work in accordance with the plans approved by the board in the certificate of eligibility. The amount of the tax exemption shall be determined as follows:

(a) In the case of an applicant who has completed industrial construction or reconstruction work, or commercial reconstruction work designated as of right pursuant to section four hundred eighty-nine-ccc of this title or as specially needed pursuant to section four hundred eighty-nine-eee of this title, the tax exemption shall continue for nineteen tax years in an amount decreasing by five per centum each year from an exemption of ninety-five per centum of the exemption base, as defined in paragraph (d) of this subdivision.

(b) In the case of an applicant who has completed other commercial reconstruction work, or new commercial construction work designated as of right pursuant to section four hundred eighty-nine-ccc of this title or as specially needed pursuant to section four hundred eighty-nine-eee of this title, the tax exemption shall continue for ten tax years, in an amount decreasing by five per centum each year from an exemption of fifty per centum of the exemption base.

(c) In the case of an applicant who has completed other new commercial construction work, the exemption shall continue for five tax years in an amount decreasing by ten per centum each year from an exemption of fifty per centum of the exemption base.

(d) The term "exemption base" shall mean the difference between the

final assessed value of the property as determined upon completion of the construction or reconstruction work and the lesser of (i) the assessed value of the property at the time an application for a certificate of eligibility pursuant to this title is made, or (ii) the assessed value as may thereafter be reduced pursuant to application to the tax commission.

The tax exemption shall be computed according to the following tables:

CONSTRUCTION OR RECONSTRUCTION OF INDUSTRIAL
STRUCTURES OR RECONSTRUCTION OF AS OF RIGHT OR
SPECIALLY NEEDED COMMERCIAL STRUCTURES

Year following completion of work	Percentage of exemption
1.	95
2.	90
3.	85
4.	80
5.	75
6.	70
7.	65
8.	60
9.	55
10.	50
11.	45
12.	40
13.	35
14.	30
15.	25
16.	20
17.	15
18.	10
19.	5

RECONSTRUCTION OF OTHER COMMERCIAL STRUCTURES
OR CONSTRUCTION OF AS OF RIGHT OR SPECIALLY
NEEDED COMMERCIAL STRUCTURES

Year following completion of work	Percentage of exemption
--------------------------------------	----------------------------

1.	50
2.	45
3.	40
4.	35
5.	30
6.	25
7.	20
8.	15
9.	10
10.	5

CONSTRUCTION OF OTHER NEW COMMERCIAL STRUCTURES

Year following completion of work	Percentage of exemption
1.	50
2.	40
3.	30
4.	20
5.	10

2. The taxes payable during the period from the issuance of a certificate of eligibility to the approval of the tax exemption pursuant to section four hundred eighty-nine-fff of this title shall be paid on the lesser of:

(a) the assessed value of the property at the time an application for a certificate of eligibility pursuant to this title is made, or (b) the assessed value as may thereafter be reduced pursuant to application to the tax commission, provided, however, that if reconstruction or construction is not completed in accordance with the plans approved in the certificate of eligibility including any amendments thereto, taxes shall be due and payable retroactively as otherwise required by law.

3. In all cases where the board shall have issued a certificate of eligibility prior to January first, nineteen hundred eighty-two, the exemption percentage shall apply to any subsequent increase in the assessed valuation of the property during the tenure of the exemption. Where the board has issued a certificate of eligibility on or after January first, nineteen hundred eighty-two, the exemption percentage

shall apply to any subsequent increase in the assessed valuation of the property during the first two years after approval of the tax exemption pursuant to section four hundred eighty-nine-fff of this title.

Commencing two years after approval of the tax exemption pursuant to section four hundred eighty-nine-fff of this title, the exemption percentage shall apply to any subsequent increase in assessed valuation of the property only to the extent such increase is attributable to the construction or reconstruction work approved in the certificate of eligibility.

4. The provisions of this title shall not apply to any increase in assessed value resulting from the construction or reconstruction of a residential structure on any property receiving an exemption under the provisions of this title. The provisions of this title shall apply exclusively to those structures and the lands underlying them which were identified explicitly in the certificate of eligibility.

5. The provisions of this title shall not apply if any new or rehabilitated construction displaces or replaces a building or buildings containing more than twenty-five occupied dwelling units in existence on the date an application for certificate of eligibility is submitted for preliminary approval pursuant to section four hundred eighty-nine-eee of this title, which are administered under the local emergency housing rent control act, the rent stabilization law of nineteen hundred sixty-nine or the emergency tenant protection act of nineteen seventy-four, unless a certificate of eviction has been issued for any of the displaced or replaced units pursuant to the powers granted by the city rent and rehabilitation law.

6. The provisions of this title shall not apply to an applicant who has commenced construction or reconstruction work prior to the granting of a certificate of eligibility except where applicant, having filed an application for a certificate of eligibility receives written permission to commence from the board or its designated representative prior to the granting of a certificate of eligibility. Demolition of existing structures, site preparation limited to grading, filling or clearing, or the curing of a safety or sanitary hazard shall not be deemed to be

commencement of construction or reconstruction work.

7. Any property enjoying the benefits of a tax exemption approved by the board shall be ineligible for any subsequent or additional tax exemption pursuant to the provisions of this title until the expiration of the original exemption period or earlier termination of the existing exemption by action of the tax commission.

§ 489-eee. Applications for certificates of eligibility. 1.

Applications for a certificate of eligibility pursuant to this title shall be submitted for preliminary approval to the office for economic development commencing immediately after the effective date of a local law enacted pursuant to this title and continuing until the earlier of the thirty-first day of January, nineteen hundred eighty-six or the last day before the date on which applications may be filed in accordance with a local law enacted pursuant to section four hundred eighty-nine-bbbb of this chapter, on such form or forms as shall be prescribed by the board. In addition to any other information required by the board, the application shall include plans for reconstruction or construction that have been certified by a professional engineer or an architect of the applicant's choice and cost estimates or bids for the proposed reconstruction or construction. Upon a finding by such office that the application satisfies the requirements of reconstruction or construction as defined in this title, the application shall be presented to the board for evaluation and written notice thereof shall be given to the community board of the district in which the application site is located.

2. (a) In the case of an application for construction or reconstruction of an industrial structure or a commercial structure located in an area designated as of right, the board shall issue a certificate of eligibility upon determining that the application satisfies the requirements of construction or reconstruction as defined in this title, that the applicant has obtained plans for construction or reconstruction certified by a professional engineer or architect, and that the applicant has otherwise complied with the provisions of this

title and other applicable provisions of law.

(b) In the case of an application for construction or reconstruction of a commercial structure not located in an as of right area, or involving a restricted commercial use, the board shall issue a certificate of eligibility upon making the determination specified in paragraph (a) of this subdivision and upon making the further determination that the granting of a tax exemption for the construction or reconstruction of such a structure in the proposed location is in the public interest. In making such determination, the board shall make findings that there is a need in the area for the services the enterprise will provide, that the enterprise will generate or retain employment in the area, and that a tax incentive is required to attract construction or reconstruction of such a structure to the area. In addition, the board shall consider the economic impact such commercial structure will have in the area.

(c) In the case of an application for construction or reconstruction of a commercial structure not located in an as of right area, or involving a restricted commercial use, the board may make a further determination that special circumstances warrant designating the proposed construction or reconstruction as "specially needed". In making such determination, the board shall make findings that the commercial services to be provided will have an especially positive impact on the area's or the city's economy and that the applicant has demonstrated that the project cannot go forward without the greater exemption granted by such designation.

3. Any meeting of the board at which an application for a certificate of eligibility is to be considered shall be open to the public, and notice of such meeting shall be given at least two weeks prior thereto by publication in a newspaper of general circulation within the city.

4. The burden of proof shall be on the applicant to show by clear and convincing evidence that the requirements for granting a tax exemption pursuant to this title have been satisfied, and the board shall have the authority to require that statements made in consideration of the application be taken under oath.

5. After the issuance of a certificate of eligibility the applicant shall apply to the city tax commission, during the period provided by law for filing applications for corrections of assessed valuations, for a tax exemption as provided for in section four hundred eighty-nine-ddd of this title. The application shall be accompanied by a copy of the certificate of eligibility.

§ 489-fff. Approval of tax exemption. On completion of the reconstruction or construction work the applicant shall notify the board in writing of said completion. The board shall determine the eligibility of the applicant for the tax exemption as provided in subdivision one of section four hundred eighty-nine-ddd and shall notify the tax commission of such determination. If the applicant is determined to be qualified the commission shall approve the tax exemption.

§ 489-ggg. Continuation of tax exemption; termination of tax exemption. The tax exemption approved by the board shall continue in accordance with this title, provided that the applicant files an annual certificate of continuing use stating that the structure and property continue to be used for the industrial or commercial purposes justifying the issuance of the certificate of eligibility. The certificate of continuing use shall be filed with the tax commission on such form or forms and containing such information as shall be prescribed by the tax commission. The tax commission shall have authority to terminate a tax exemption on failure of an applicant to file an annual certificate of continuing use or on the recommendation of the finance commissioner who, in reviewing the certificate filed by an applicant, has determined that the structure or property has ceased to be used for the industrial or commercial purposes justifying the issuance of the certificate of eligibility.

§ 489-hhh. Extension of time for completion. Where an applicant has received a certificate of eligibility but has not completed or will not

be able to complete the construction or reconstruction work within thirty-six months, the board shall, upon application, extend to forty-eight months, from the time of issuance of such certificate, the time for completion of the construction or reconstruction work; provided the applicant has completed not less than two-thirds of the work as specified in the certified plans previously filed with the application at the time of such application for extension.

§ 489-iii. Prior certificates of eligibility. Any project for which a certificate of eligibility has been approved by the industrial and commercial incentive board prior to the enactment of this section shall be eligible for a tax exemption computed according to the tax exemption tables and formulae in effect on the date of such approval.

TITLE 2-D

TAX EXEMPTION AND DEFERRAL OF TAX

PAYMENTS FOR CERTAIN INDUSTRIAL AND COMMERCIAL

PROPERTIES IN A CITY OF ONE MILLION OR MORE PERSONS

Section 489-aaaa. Definitions.

489-bbbb. Power to enact local law; real property tax exemption; deferral of tax payments.

489-cccc. Temporary commercial incentive area boundary commission; classes of area; excluded areas.

489-dddd. Eligibility for benefits.

489-eeee. Application for certificate of eligibility.

489-ffff. Reporting requirement; termination of benefits.

489-gggg. Conversion of property.

489-hhhh. Administration of the benefit program.

489-iiii. Code violations; suspension or termination of benefits.

489-jjjj. Tax lien; interest rate.

489-kkkk. Penalties for non-compliance, false statements and omissions.

489-llll. Participation of minority and women-owned business enterprises.

§ 489-aaaa. Definitions. When used in this title: 1. "Applicant" means any person obligated to pay real property taxes on the property for which an exemption from or abatement or deferral of real property tax payments is sought, or in the case of exempt property, the record owner or lessee thereof.

2. "Approved plans" means plans submitted to and approved by the department of buildings in connection with the applicant's building permit, including any amendments to such plans approved by such department before final inspection of the work for which such permit was issued.

3. "Benefit period" means the period of time when a recipient is eligible to receive benefits pursuant to this title, including in the case of a recipient of a certificate of eligibility for commercial construction work in a deferral area, the period of time tax payments are to be deferred, the interim period when no tax payments are to be deferred and no deferred tax payments are required to be made, and the period of time when the deferred tax payments are to be made.

4. "Commission" means the temporary commercial incentive area boundary commission.

5. "Commercial construction work" means the construction of a new building or structure, or portion thereof, or the modernization, rehabilitation, expansion, or other improvement of an existing building or structure, or portion thereof, for use as commercial property.

6. "Commercial property" means nonresidential property (a) on which will exist after completion of commercial construction work, a building or structure used for the buying, selling or otherwise providing of goods or services including hotel services, or for other lawful business, commercial or manufacturing activities; and (b) (i) where, except as provided in subparagraph (ii) of this paragraph and paragraph (c) of this subdivision, not more than fifteen per centum of the total

net square footage of any building or structure on such property was used for manufacturing activities at any one or more times during the twenty-four months immediately preceding the date of application for a certificate of eligibility or (ii) where not more than fifteen per centum of the total net square footage of any building or structure on such property was used for manufacturing activities at any one or more times during the sixty months immediately preceding the date of application for a certificate of eligibility if such property is located, in whole or in part, in the area in the borough of Manhattan lying south of the center line of 96th Street; and (c) in the commercial revitalization area, and with respect to an application for a certificate of eligibility filed on or after July first, two thousand, "commercial property" means nonresidential property on which will exist after completion of commercial construction work, a building or structure used for the buying, selling or otherwise providing of goods or services including hotel services, or for other lawful business, commercial or manufacturing activities.

6-a. "Commercial revitalization area" means any area of a city having a population of one million or more, provided that in the city of New York a commercial revitalization area shall mean any district that is zoned C4, C5, C6, M1, M2, or M3 in accordance with the zoning resolution of such city in any area of such city except the area lying south of the center line of 96th Street in the borough of Manhattan.

7. "Deferral area" means an area in which deferral of payment of real property taxes in accordance with subdivision four of section four hundred eighty-nine-bbbb of this title shall be available to a recipient who has performed commercial construction work.

8. "Excluded area" means each area specified in paragraphs (a), (b) and (c) of subdivision five of section four hundred eighty-nine-cccc of this title.

9. "Exemption base." (a) For purposes of computing the exemption pursuant to subdivision one, two, three or four of section four hundred eighty-nine-bbbb of this title, "exemption base" shall mean, with

respect to property that is the subject of a certificate of eligibility with an effective date of June thirtieth, nineteen hundred ninety-two or before: (i) for the first, second and third taxable years following the effective date of a certificate of eligibility, the assessed value of improvements made since the effective date of such certificate which are attributable exclusively to commercial or industrial construction work described in approved plans; and (ii) for all other years, the assessed value of such improvements which have been made before the fourth taxable status date following the effective date of such certificate.

(b) For purposes of computing the exemption pursuant to subdivision three, four or five of section four hundred eighty-nine-bbbb of this title, "exemption base" shall mean, with respect to property that is the subject of a certificate of eligibility with an effective date of July first, nineteen hundred ninety-two or after: (i) for the first through fifth taxable years following the effective date of a certificate of eligibility, the assessed value of improvements made since the effective date of such certificate which are attributable exclusively to commercial or renovation construction work described in approved plans; and (ii) for all other years, the assessed value of such improvements which have been made before the sixth taxable status date following the effective date of such certificate.

(c) For purposes of computing the exemption pursuant to subdivision one or two of section four hundred eighty-nine-bbbb of this title, "exemption base" shall mean, with respect to property that is the subject of a certificate of eligibility with an effective date of July first, nineteen hundred ninety-two or after: (i) for the first through fifth taxable years following the effective date of a certificate of eligibility, the assessed value of improvements made since the effective date of such certificate which are attributable exclusively to commercial or industrial construction work described in approved plans plus any equalization increases or minus any equalization decreases in the assessed value of the property so improved (excluding the land) occurring subsequent to the effective date of such certificate; and (ii) for all other years, the assessed value of such improvements made before the sixth taxable status date following the effective date of such certificate plus any equalization increases or minus any equalization decreases in the assessed value of the property so improved (excluding

the land) occurring subsequent to the effective date of such certificate but before the fourteenth taxable status date following the effective date of such certificate. For purposes of the preceding sentence: no adjustment shall be made to the assessed value of the improvements referred to in subparagraphs (i) and (ii) of this paragraph for any portion of an equalization increase or decrease which is being phased in pursuant to section eighteen hundred five of this chapter subsequent to the effective date of the certificate of eligibility if such increase or decrease occurred prior to such effective date; with respect to any taxable year, an adjustment for an equalization increase or decrease shall reflect only the portion of such increase or decrease which is being phased in during such taxable year or which was phased in during a prior taxable year; no adjustment for an equalization decrease shall reduce the exemption base to an amount less than the assessed value of the improvements referred to in subparagraphs (i) and (ii) of this paragraph, and, to the extent that any such decrease would reduce the exemption base below such amount, such decrease shall reduce the taxable portion of the assessed value; and no adjustment shall be made for an equalization increase or decrease if the improvements referred to in subparagraphs (i) and (ii) of this paragraph do not result in a physical increase in the assessed value of the property.

(d) Notwithstanding paragraph (a) of this subdivision, for purposes of computing the exemption pursuant to subdivision one of section four hundred eighty-nine-bbbb of this title, "exemption base" shall mean, with respect to industrial property that is located in the area in the borough of Manhattan lying north of the center line of 96th Street, or that is located in the Bronx, Brooklyn, Queens or Staten Island; and that is the subject of a certificate of eligibility with an effective date after December thirty-first, nineteen hundred eighty-nine and before July first, nineteen hundred ninety-two: (i) for the first, second and third taxable years following the effective date of a certificate of eligibility, the assessed value of improvements made since the effective date of such certificate which are attributable exclusively to industrial construction work described in approved plans; and (ii) for all other years, the assessed value of such improvements made before the fourth taxable status date following the effective date of such certificate plus any equalization increases or minus any

equalization decreases in the assessed value of the property so improved (excluding the land) occurring subsequent to the fourth taxable status date following the effective date of such certificate but before the fourteenth taxable status date following the effective date of such certificate. For purposes of the preceding sentence: no adjustment shall be made to the assessed value of the improvements referred to in subparagraphs (i) and (ii) of this paragraph for any portion of an equalization increase or decrease which is being phased in pursuant to section eighteen hundred five of this chapter subsequent to the effective date of the certificate of eligibility if such increase or decrease occurred prior to such effective date; with respect to any taxable year, an adjustment for an equalization increase or decrease shall reflect only the portion of such increase or decrease which is being phased in during such taxable year or which was phased in during a prior taxable year; no adjustment for an equalization decrease shall reduce the exemption base to an amount less than the assessed value of the improvements referred to in subparagraphs (i) and (ii) of this paragraph, and, to the extent that any such decrease would reduce the exemption base below such amount, such decrease shall reduce the taxable portion of the assessed value; and no adjustment shall be made for an equalization increase or decrease if the improvements referred to in subparagraphs (i) and (ii) of this paragraph do not result in a physical increase in the assessed value of the property.

(e) For purposes of computing the exemption: (i) pursuant to subdivision five-a of section four hundred eighty-nine-bbbb of this title, "exemption base" shall mean, with respect to property that is the subject of a certificate of eligibility with an effective date of July first, nineteen hundred ninety-five or after and that is located in the new construction exemption area specified in paragraph (a) of subdivision six of section four hundred eighty-nine-cccc of this title: for any taxable year following the effective date of a certificate of eligibility, the assessed value of improvements made since the effective date of such certificate which are attributable exclusively to the construction of a new building or structure that meets the requirements set forth in subdivision nine of section four hundred eighty-nine-dddd of this title as described in approved plans, provided such improvements are made within thirty-six months of the effective date of such

certificate or by December thirty-first, nineteen hundred ninety-nine, whichever is earlier; and (ii) pursuant to subdivision five-a of section four hundred eighty-nine-bbbb of this title, "exemption base" shall mean, with respect to property that is the subject of a certificate of eligibility with an effective date of July first, nineteen hundred ninety-five or after and that is located in the new construction exemption area specified in paragraph (b) of subdivision six of section four hundred eighty-nine-cccc of this title: for any taxable year following the effective date of a certificate of eligibility, the assessed value of improvements made since the effective date of such certificate which are attributable exclusively to the construction of a new building or structure that meets the requirements set forth in subdivision nine of section four hundred eighty-nine-dddd of this title as described in approved plans, provided such improvements are made within forty-two months of the effective date of such certificate.

(f) For purposes of this subdivision "equalization increase or decrease" means an increase or decrease in the assessed value of property which is not attributable to construction work, fire, demolition, destruction or other change in the physical characteristics of the property (excluding gradual physical deterioration or obsolescence), or to a change in the description or boundaries of the property.

10. "Industrial construction work" means the construction of a new building or structure or the modernization, rehabilitation, expansion or improvement of an existing building or structure for use as industrial property.

11. "Industrial property" means nonresidential property on which will exist after completion of industrial construction work a building or structure wherein at least seventy-five per centum of the total net square footage is used or immediately available and held out for use for manufacturing activities involving the assembly of goods or the fabrication or processing of raw materials.

12. "Initial assessed value" means the lesser of (a) the taxable assessed value of real property appearing on the books of the annual

record of the assessed valuation of real property on the effective date of a recipient's certificate of eligibility or (b) the assessed value to which such assessment is thereafter reduced pursuant to application to the tax commission or court order. Where the real property is used for both residential and nonresidential purposes on the effective date of such certificate of eligibility, the initial assessed value of such real property, determined as provided in the preceding sentence, shall be apportioned between the residential and nonresidential portions thereof in such manner as shall properly reflect the initial assessed value of each such portion. Such apportionment shall be in accordance with rules promulgated by the department of finance.

13. "Manufacturing activity" means an activity involving the assembly of goods or the fabrication or processing of raw materials.

14. "Minimum required expenditure" means expenditure for commercial, renovation or industrial construction work in an amount equal to twenty per centum of the initial assessed value; provided, however, that with respect to a recipient who filed an application on or after July first, nineteen hundred ninety-five for a certificate of eligibility for industrial construction work or for commercial construction work in a special exemption area or a regular exemption area, minimum required expenditure means expenditure for such work in an amount equal to ten per centum of the initial assessed value; provided, however, that with respect to a recipient who filed an application on or after July first, nineteen hundred ninety-five for a certificate of eligibility for industrial construction work and for the purpose of receiving an abatement of real property taxes in accordance with paragraph (c) of subdivision one of section four hundred eighty-nine-bbbb of this title, minimum required expenditure means expenditure for such work in an amount equal to twenty-five per centum of the initial assessed value; and provided further that if the department of finance, after consultation with the deputy mayor for finance and economic development, determines that a greater expenditure is required to encourage significant industrial and commercial development it may establish by rule a higher percentage of initial assessed value, not to exceed fifty per centum thereof, as the minimum required expenditure. Expenditure for

residential construction work shall not be included in the minimum required expenditure; provided, however, that for mixed-use property, expenditures for construction work related to the common areas and systems of such property shall be allocated, in accordance with rules promulgated by the department of finance, between the residential and nonresidential portions of the property. If real property was used for both residential and nonresidential purposes on the effective date of the certificate of eligibility, the initial assessed value of such real property, for purposes of this subdivision, shall be the initial assessed value apportioned to the nonresidential portions thereof.

15. "Person" means an individual, corporation, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.

16. "Recipient" means an applicant to whom a certificate of eligibility has been issued pursuant to this title, or the successor in interest of such applicant, provided that where a person who has entered into a lease or purchase agreement with the owner or lessee of exempt property has been a co-applicant, such person or the successor in interest of such person shall be the recipient.

17. "Regular exemption area" means an area in which a regular exemption from taxes in accordance with subdivision three of section four hundred eighty-nine-bbbb of this title shall be available to a recipient who performs commercial construction work.

18. "Residential construction work" means any construction, modernization, rehabilitation, expansion or improvement of dwelling units other than dwelling units in a hotel.

19. "Residential property" means property, other than property used for hotel purposes, on which exists or will exist, upon completion of construction work, a building or structure used for residential purposes.

20. "Restricted activity" means any entertainment activity which the

department of finance has identified in regulations promulgated pursuant to a local law enacted pursuant to this title as an activity which, in the public interest, should not be encouraged through the benefits of this title.

21. "Special exemption area" means an area in which the commission has determined that a special exemption from real property taxes in accordance with subdivision two of section four hundred eighty-nine-bbbb of this title shall be available to a recipient who performs commercial construction work and, in addition, means the area specified in paragraph (d) of subdivision four of section four hundred eighty-nine-cccc of this title.

22. "Mixed-use property" means property on which exists, or will exist upon completion of construction work, a building or structure used for both residential and nonresidential purposes.

23. "Renovation construction work" means the modernization, rehabilitation, expansion or improvement of an existing building or structure, or portion thereof, for use as commercial property in a renovation exemption area where such modernization, rehabilitation, expansion or improvement is physically and functionally integrated with the existing building or structure, or portion thereof, does not increase the bulk of the existing building or structure by more than thirty per centum and does not increase the height of the existing building or structure by more than thirty per centum.

24. "Renovation exemption area" means the area specified in paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title in which a renovation exemption from taxes in accordance with subdivision five of section four hundred eighty-nine-bbbb of this title shall be available to a recipient who performs renovation construction work.

25. "New construction exemption areas" means the areas specified in subdivision six of section four hundred eighty-nine-cccc of this title in which an exemption from real property taxes in accordance with

subdivision five-a of section four hundred eighty-nine-bbbb of this title shall be available to a recipient who constructs a new building or structure that meets the requirements set forth in subdivision nine of section four hundred eighty-nine-dddd of this title.

§ 489-bbbb. Power to enact local law; real property tax exemption; deferral of tax payments. Any city having a population of one million or more, acting through its local legislative body, is authorized and empowered to determine that incentives in the form of exemption from or abatement or deferral of payment of real property taxes are necessary to encourage industrial and commercial development in such city and to enact a local law providing that such benefits shall be provided in the manner set forth in this title. Such city shall be divided into six classes of areas as provided in this title and pursuant to designation of areas to be made by a temporary commercial incentive area boundary commission. Within such areas, the following benefits shall be available to qualified recipients:

1. (a) A recipient who, following the effective date of a certificate of eligibility, has performed industrial construction work in any area of such city shall be eligible for an exemption from real property taxes as follows: For the first thirteen tax years, the recipient shall be exempt from taxation on one hundred per centum of the exemption base. For the following nine tax years, the recipient shall be exempt from taxation on a percentage of the exemption base beginning at ninety per centum thereof in the fourteenth tax year and decreasing by ten per centum of said exemption base each year.

The following table shall illustrate the computation of the exemption for industrial construction work:

Tax year following effective date of certificate of eligibility:	Amount of exemption:
1 through 13	Tax on 100% of exemption base
14	Tax on 90% of exemption base
15	Tax on 80% of exemption base

16	Tax on 70% of exemption base
17	Tax on 60% of exemption base
18	Tax on 50% of exemption base
19	Tax on 40% of exemption base
20	Tax on 30% of exemption base
21	Tax on 20% of exemption base
22	Tax on 10% of exemption base

(b) Notwithstanding paragraph (a) of this subdivision, a recipient who filed an application for a certificate of eligibility for industrial construction work in any area of such city on or after July first, nineteen hundred ninety-five, and who, following the effective date of such certificate of eligibility, has performed such industrial construction work shall be eligible for an exemption from real property taxes as follows: For the first sixteen tax years, the recipient shall be exempt from taxation on one hundred per centum of the exemption base. For the following nine tax years, the recipient shall be exempt from taxation on a percentage of the exemption base beginning at ninety per centum thereof in the seventeenth tax year and decreasing by ten per centum of said exemption base each year.

The following table shall illustrate the computation of the exemption for industrial construction work pursuant to this paragraph:

Tax year following effective
date of certificate of
eligibility:

	Amount of exemption:
1 Through 16	Tax on 100% of exemption base
17	Tax on 90% of exemption base
18	Tax on 80% of exemption base
19	Tax on 70% of exemption base
20	Tax on 60% of exemption base
21	Tax on 50% of exemption base
22	Tax on 40% of exemption base
23	Tax on 30% of exemption base
24	Tax on 20% of exemption base
25	Tax on 10% of exemption base

(c)(i) A recipient who filed an application for a certificate of eligibility for industrial construction work in any area of such city on

or after July first, nineteen hundred ninety-five, and who, following the effective date of such certificate of eligibility, both commenced and completed such work, shall be eligible for an abatement of real property taxes as follows: For the first tax year immediately following completion of such work, and for the second, third and fourth tax years following completion of such work, the abatement shall equal fifty per centum of the real property tax that was imposed on the property which is the subject of the certificate of eligibility for the tax year immediately preceding the effective date of such certificate of eligibility, provided, however, that if such property was fully or partially exempt from real property taxes during such tax year, then the abatement shall equal fifty per centum of the real property tax that would have been imposed on such property but for such full or partial exemption. For the fifth and sixth tax years, the abatement shall equal forty per centum of such amount; for the seventh and eighth tax years, the abatement shall equal thirty per centum of such amount; for the ninth and tenth tax years, the abatement shall equal twenty per centum of such amount; and for the eleventh and twelfth tax years, the abatement shall equal ten per centum of such amount. Notwithstanding any inconsistent provision of this paragraph, a recipient shall not be eligible for an abatement for the first tax year following completion of such work, unless the recipient submits proof satisfactory to the department of finance that such work was completed on or before the taxable status date for such first tax year no later than thirty days after such taxable status date. Where the recipient fails to submit such proof in accordance with the foregoing sentence, a recipient shall not be eligible for an abatement until the second tax year following completion of such work. In such case, a recipient shall submit proof satisfactory to the department of finance that such work was completed on or before the taxable status date for such first tax year no later than thirty days after the taxable status date for such second tax year. A recipient whose abatement begins in the second tax year following completion of such work shall not thereby have his or her twelve-year benefit period shortened.

The following table shall illustrate the computation of the abatement for industrial construction work pursuant to this paragraph:

Tax year following
completion of industrial
construction work:

Amount of abatement:

1	50%
2	50%
3	50%
4	50%
5	40%
6	40%
7	30%
8	30%
9	20%
10	20%
11	10%
12	10%

(ii) If, due to a determination of the department of finance or tax commission of such city or a court, the real property tax imposed on such property for the tax year immediately preceding the effective date of such certificate of eligibility is changed, then any abatement that was granted in accordance with this paragraph prior to such reduction shall be recalculated and any abatement to be granted in accordance with this paragraph shall be based on the real property tax imposed on such property for the tax year immediately preceding the effective date of such certificate of eligibility, as changed by such determination. The amount equal to the difference between the abatement originally granted and the abatement as so recalculated shall be deducted from any refund otherwise payable or remission otherwise due as a result of a change due to such determination, and any balance of such amount remaining unpaid after making any such deduction shall be paid to the department of finance within thirty days from the date of mailing by the department of finance of a notice of the amount payable. Such amount payable shall constitute a tax lien on such property as of the date of such notice and, if not paid within such thirty-day period, penalty and interest at the rate applicable to delinquent taxes on such property shall be charged and collected on such amount from the date of such notice to the date of payment.

(iii) No property which is the subject of a certificate of eligibility

pursuant to this title shall receive more than one abatement pursuant to this title and no abatement shall exceed one consecutive twelve-year period as specified in subparagraph (i) of this paragraph.

(iv) In no event shall an abatement granted pursuant to this title exceed in any tax year the real property taxes imposed on the property which is the subject of a certificate of eligibility pursuant to this title.

(v) For the purpose of calculating an abatement of real property taxes pursuant to this title, where a tax lot contains more than one building or structure and not all of the buildings or structures comprising such tax lot are the subject of a certificate of eligibility for industrial construction work pursuant to this title, the real property taxes imposed on such tax lot for the tax year immediately preceding the effective date of such certificate of eligibility shall be apportioned among the buildings, structures and land comprising such tax lot and only such real property taxes as are allocable to the property which is the subject of the certificate of eligibility pursuant to this title shall be abated in accordance with this paragraph. Such apportionment shall be in accordance with rules promulgated by the department of finance.

(vi) A recipient who filed an application for a certificate of eligibility for industrial construction work in the commercial revitalization area on or after July first, two thousand, and who, following the effective date of such certificate of eligibility, both commenced and completed such work, shall be eligible for an abatement of real property taxes in accordance with subparagraph (i) of this paragraph, provided, however, that where the total net square footage of the industrial property used or immediately available and held out for use for manufacturing activities involving the assembly of goods or the fabrication or processing of raw materials is less than seventy-five per centum of the total net square footage of the industrial property, the abatement of real property taxes shall be determined in accordance with rules promulgated by the department of finance. Notwithstanding the foregoing sentence, no such abatement shall be allowed where the total net square footage of the industrial property used or immediately available and held out for use for such manufacturing actives after completion of industrial construction work is less than the total net

square footage used or immediately available and held out for use for such manufacturing activities before the commencement of such construction work. For purposes of this subparagraph only, the term "industrial construction work" shall mean the modernization, rehabilitation, expansion or improvement of an existing building or structure for use as industrial property and the term "industrial property" shall mean nonresidential property on which will exist after completion of industrial construction work a building or structure wherein at least twenty-five per centum of the total net square footage is used or immediately available and held out for use for manufacturing activities involving the assembly of goods or the fabrication or processing of raw materials.

2. (a) A recipient who, following the effective date of a certificate of eligibility, has performed commercial construction work in a special exemption area shall be eligible for an exemption from real property taxes as follows: For the first thirteen tax years, the recipient shall be exempt from taxation on one hundred per centum of the exemption base. For the following nine tax years, the recipient shall be exempt from taxation on a percentage of the exemption base beginning at ninety per centum thereof in the fourteenth tax year and decreasing by ten per centum of said exemption base each year.

The following table shall illustrate the computation of the exemption for commercial construction work in a special exemption area:

Tax year following effective
date of certificate of
eligibility:

1 through 13
14
15
16
17
18
19
20
21

Amount of exemption:

Tax on 100% of exemption base
Tax on 90% of exemption base
Tax on 80% of exemption base
Tax on 70% of exemption base
Tax on 60% of exemption base
Tax on 50% of exemption base
Tax on 40% of exemption base
Tax on 30% of exemption base
Tax on 20% of exemption base

(b) Notwithstanding paragraph (a) of this subdivision, a recipient who filed an application for a certificate of eligibility for commercial construction work in a special exemption area on or after July first, nineteen hundred ninety-five, and who, following the effective date of such certificate of eligibility, has performed such commercial construction work shall be eligible for an exemption from real property taxes as follows: For the first sixteen tax years, the recipient shall be exempt from taxation on one hundred per centum of the exemption base. For the following nine tax years, the recipient shall be exempt from taxation on a percentage of the exemption base beginning at ninety per centum thereof in the seventeenth tax year and decreasing by ten per centum of said exemption base each year.

The following table shall illustrate the computation of the exemption for commercial construction work in a special exemption area pursuant to this paragraph:

Tax year following effective
date of certificate of
eligibility:

Amount of exemption:

1 through 16	Tax on 100% of exemption base
17	Tax on 90% of exemption base
18	Tax on 80% of exemption base
19	Tax on 70% of exemption base
20	Tax on 60% of exemption base
21	Tax on 50% of exemption base
22	Tax on 40% of exemption base
23	Tax on 30% of exemption base
24	Tax on 20% of exemption base
25	Tax on 10% of exemption base

3. (a) A recipient who, following the effective date of a certificate of eligibility, has performed commercial construction work in a regular exemption area shall be eligible for an exemption from real property taxes as follows: For the first eight tax years, the recipient shall be exempt from taxation on one hundred per centum of the exemption base. For the following four tax years, the recipient shall be exempt from

taxation on a percentage of the exemption base beginning at eighty per centum thereof in the ninth tax year and decreasing by twenty per centum of said exemption base each year.

The following table shall illustrate the computation of the exemption for commercial construction work in a regular exemption area:

Tax year following effective
date of certificate of
eligibility:

1 through 8	Tax on 100% of exemption base
9	Tax on 80% of exemption base
10	Tax on 60% of exemption base
11	Tax on 40% of exemption base
12	Tax on 20% of exemption base

(b) Notwithstanding paragraph (a) of this subdivision, a recipient who filed an application for a certificate of eligibility for commercial construction work in a regular exemption area on or after July first, nineteen hundred ninety-five, and who, following the effective date of such certificate of eligibility, has performed such commercial construction work shall be eligible for an exemption from real property taxes as follows: For the first eleven tax years, the recipient shall be exempt from taxation on one hundred per centum of the exemption base. For the following four tax years, the recipient shall be exempt from taxation on a percentage of the exemption base beginning at eighty per centum thereof in the twelfth tax year and decreasing by twenty per centum of said exemption base each year.

The following table shall illustrate the computation of the exemption for commercial construction work in a regular exemption area pursuant to this paragraph:

Tax year following effective
date of certificate of
eligibility:

1 through 11	Tax on 100% of exemption base
12	Tax on 80% of exemption base
13	Tax on 60% of exemption base
14	Tax on 40% of exemption base

4. Except as provided in paragraphs (b) and (c) of subdivision five of section four hundred eighty-nine-cccc of this title, a recipient who, following the effective date of a certificate of eligibility, has performed commercial construction work in a deferral area shall be eligible for a deferral of tax payments as follows: For the first three tax years following the effective date of a certificate of eligibility, the tax payment on one hundred per centum of the exemption base shall be deferred. For the following four tax years, the tax payment on a percentage of the exemption base beginning at eighty per centum thereof in the fourth tax year and decreasing by twenty per centum each year shall be deferred. The total amount of tax payments deferred pursuant to this title shall be paid subsequently over the course of ten tax years as follows: Commencing in the eleventh tax year following the effective date of the certificate of eligibility, through and including the twentieth tax year following such effective date, an amount equal to ten per centum of the total amount of tax payments deferred pursuant to this section shall be added to the amount of tax otherwise assessed and payable in each such tax year on the property subject to such deferral.

The following table shall illustrate the computation of deferral and payment of taxes for commercial construction work in a deferral area:

Tax year following effective date of certificate of eligibility:	Amount of tax payments to be deferred or paid:
1 through 3	Deferral of tax payment on 100% of the exemption base
4	Deferral of tax payment on 80% of the exemption base
5	Deferral of tax payment on 60% of the exemption base
6	Deferral of tax payment on 40% of the exemption base
7	Deferral of tax payment on 20% of the exemption base
11 through 20	Payment each year of 10% of

total dollar amount of tax
payments deferred pursuant
to this title

5. A recipient who, following the effective date of a certificate of eligibility, has performed renovation construction work in a renovation exemption area shall be eligible for an exemption from real property taxes as follows: For the first eight tax years, the recipient shall be exempt from taxation on one hundred per centum of the exemption base. For the following four tax years, the recipient shall be exempt from taxation on a percentage of the exemption base beginning at eighty per centum thereof in the ninth tax year and decreasing by twenty per centum of said exemption base each year.

The following table shall illustrate the computation of the exemption for renovation construction work in a renovation exemption area:

Tax year following effective
date of certificate of
eligibility:

Amount of exemption:

1 through 8	Tax on 100% of exemption base
9	Tax on 80% of exemption base
10	Tax on 60% of exemption base
11	Tax on 40% of exemption base
12	Tax on 20% of exemption base

5-a. A recipient who, following the effective date of a certificate of eligibility, constructs a new building or structure that meets the requirements set forth in subdivision nine of section four hundred eighty-nine-dddd of this title in the new construction exemption area specified in paragraph (a), (b) or (c) of subdivision six of section four hundred eighty-nine-cccc of this title shall be eligible for an exemption from real property taxes as follows: For the first four tax years, the recipient shall be exempt from taxation on one hundred per centum of the exemption base. For the following four tax years, the recipient shall be exempt from taxation on a percentage of the exemption base beginning at eighty per centum thereof in the fifth tax year and decreasing by twenty per centum of said exemption base each year.

The following table shall illustrate the computation of the exemption for the construction of a new building or structure that meets the requirements set forth in subdivision nine of section four hundred eighty-nine-dddd of this title in the new construction exemption area specified in paragraph (a), (b) or (c) of subdivision six of section four hundred eighty-nine-cccc of this title:

Tax year following effective
date of certificate of
eligibility:

1 through 4
5
6
7
8

Amount of exemption:

Tax on 100% of exemption base
Tax on 80% of exemption base
Tax on 60% of exemption base
Tax on 40% of exemption base
Tax on 20% of exemption base

6. There shall be no exemption from or deferral of a payment of real property taxes available pursuant to this title to any person who performs commercial or renovation construction work in an excluded area, except as provided in paragraphs (b) and (c) of subdivision five of section four hundred eighty-nine-cccc of this title.

7. The benefits of this title shall be granted exclusively for industrial, commercial or renovation construction work described in approved plans. No benefits shall be granted for residential construction work. Any parcel which is partly located in an excluded area shall be deemed to be entirely located in such area.

8. No benefits pursuant to this title shall be granted for work which is the subject of a certificate of eligibility issued pursuant to title two-C of this article.

§ 489-cccc. Temporary commercial incentive area boundary commission; classes of area; excluded areas. 1. Any city enacting a local law pursuant to section four hundred eighty-nine-bbbb of this title shall establish a temporary commercial incentive area boundary commission to

consist of the deputy mayor for economic development and planning, the commissioner of finance, the chair of the city planning commission, the director of management and budget, the borough presidents, the speaker of the city council and a public member appointed by the mayor to serve at the mayor's pleasure. Each member except the public member shall have the power to designate an alternate to represent him or her at commission meetings to exercise all the rights and powers of such member, including the right to vote, provided that such designation be made in writing to the chair of the commission. The deputy mayor for economic development and planning shall be the chair of the commission. Each borough president shall be entitled to vote only on the designation of areas within his or her borough. Commission members who shall be officers or employees of such city shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. Any other commission member shall receive as exclusive compensation for his or her services one hundred dollars per diem, provided, however, that the total compensation paid to any such member shall not exceed twelve hundred dollars for any calendar year. A majority of members of such commission entitled to vote on a matter shall constitute a quorum for such issue. Decisions shall be made by majority vote of those present entitled to vote on a matter. Notwithstanding any other law to the contrary, no officer or employee of the state or any of its subdivisions or any public benefit corporation shall be deemed to have forfeited his or her office or employment or any benefits provided under the retirement and social security law or under any public retirement system maintained by the state or any of its subdivisions by reason of accepting membership on such commission.

2. (a) The commission shall meet in nineteen hundred ninety-two, nineteen hundred ninety-five, nineteen hundred ninety-nine and two thousand four to determine the boundaries of the various areas which it is authorized to designate pursuant to this section. The areas designated by the commission in effect as of December thirty-first, nineteen hundred ninety-one shall remain in effect until the first taxable status date after the local legislative body approves a new designation pursuant to paragraph (d) of this subdivision.

(b) Not later than October first of each year when areas are to be

designated, the commission shall publish a notice at least once in the city's official paper or a newspaper of general circulation in the city setting forth the proposed boundaries of areas to be designated and the date, not earlier than five nor later than fifteen days following the publication of such notice, on which the commission will hold a public hearing to hear all persons interested in the designation of areas. A copy of such notice shall be forwarded to the local legislative body and each community board of the city.

(c) The commission shall make such designation, and notify the local legislative body of such designation, not later than November first of each year when areas are to be designated. The designation shall be effective as provided in paragraph (d) of this subdivision.

(d) Within thirty days after the first stated meeting of the local legislative body following the receipt of notice of such designation, the local legislative body may, by majority vote, disapprove such designation. If, within such thirty-day period, the local legislative body fails to act or fails to act by the required vote, the local legislative body shall be deemed to have approved such designation. Such designation shall be effective as of the first taxable status date after the local legislative body approves such designation and shall remain in effect until the first taxable status date after the local legislative body approves a new designation pursuant to this paragraph.

3. The commission may designate areas to be special exemption areas, regular exemption areas, deferral areas, or excluded areas in accordance with the level of benefits such commission determines to be necessary to encourage commercial construction work in such areas, provided, however, that designation of areas in the city of New York shall be made in accordance with the provisions of subdivisions four and five of this section.

4. (a) In the city of New York, the commission may designate any area other than the area lying south of the center line of 96th Street in the borough of Manhattan, to be a special exemption area if it determines that market conditions in the area are such that the availability of a special exemption is required in order to encourage commercial construction work in such area. In making such determination, the

commission shall consider, among other factors, the existence in such area of a special need for commercial and job development, high unemployment, economic distress or unusually large numbers of vacant, underutilized, unsuitable or substandard structures, or other substandard, unsanitary, deteriorated or deteriorating conditions, with or without tangible blight.

(b) Any other area in such city, other than the area lying south of the center line of 96th Street, which the commission has not designated as a special exemption area shall be a regular exemption area.

(c) In the city of New York, on or after January first, nineteen hundred ninety-two, the commission shall not designate any area to be either a deferral area or an excluded area, nor shall the commission make any new designation in any urban renewal area designated pursuant to article fifteen of the general municipal law so as to reduce the level of benefits available pursuant to this title in such area.

(d) Notwithstanding any other provision of this title, any area in the city of New York designated as an empire zone in accordance with article eighteen-B of the general municipal law, which the commission has not designated as a special exemption area, shall be a special exemption area as of July first, nineteen hundred ninety-five or as of the date of the designation of such area as an empire zone, whichever is later.

5. (a) The following area in the borough of Manhattan shall, except as otherwise provided in paragraphs (b), (c) and (d) of this subdivision and subdivision six of this section, be an excluded area: the area in the borough of Manhattan lying south of the center line of 96th Street and north of the center line of 23rd Street.

(b) The following areas in the borough of Manhattan shall, except as otherwise provided in paragraph (d) of this subdivision and subdivision six of this section, be excluded areas as of July first, nineteen hundred ninety-two; provided, however, that if an application for a certificate of eligibility has been filed for commercial construction work in such areas on or before December thirty-first, nineteen hundred ninety-two and the recipient presents evidence satisfactory to the department of finance: (i) (A) for a new building or structure, that construction has been completed on a foundation, as described in approved plans, on or before June thirtieth, nineteen hundred

ninety-three; or (B) for an existing building or structure, that at least five per centum of the minimum required expenditure has been made for commercial construction work, as described in approved plans, on or before June thirtieth, nineteen hundred ninety-three; and (ii) that all other requirements of this title have been met; then, a deferral of tax payments pursuant to subdivision four of section four hundred eighty-nine-bbbb of this title shall be granted for such commercial construction work, except that no deferral of tax payments shall be granted for commercial construction work on mixed-use property:

(1) the area delineated by a line beginning at the point where the center line of 96th Street would intersect the Hudson River Pierhead line and running easterly along the center line of 96th Street to the center line of Central Park West; thence southerly along said center line to the center line of 59th Street; thence westerly along said center line to the Hudson River Pierhead line; thence northerly along said Pierhead line to the point of beginning; and

(2) the area delineated by a line beginning at a point where the center line of 59th Street would intersect with a point one hundred fifty feet west of the center line of 8th Avenue and running easterly along the center line of 59th Street to a point one hundred fifty feet west of the center line of the Avenue of the Americas; thence southerly parallel to the Avenue of the Americas to a point which is the midpoint between the center line of 42nd Street and the center line of 41st Street; thence westerly parallel to 41st Street to a point one hundred fifty feet west of the center line of 8th Avenue; thence northerly parallel to 8th Avenue to the point of beginning.

(c) The following area in the borough of Manhattan shall, except as otherwise provided in paragraph (d) of this subdivision and subdivision six of this section, be an excluded area as of January first, nineteen hundred ninety-three; provided, however, that if an application for a certificate of eligibility has been filed for commercial construction work in such area on or before December thirty-first, nineteen hundred ninety-two and the recipient presents evidence satisfactory to the department of finance: (i) (A) for a new building or structure, that construction has been completed on a foundation, as described in approved plans, on or before December thirty-first, nineteen hundred ninety-three; or (B) for an existing building or structure, that at

least five per centum of the minimum required expenditure has been made for commercial construction work, as described in approved plans, on or before December thirty-first, nineteen hundred ninety-three; and (ii) that all other requirements of this title have been met, then, a deferral of tax payments pursuant to subdivision four of section four hundred eighty-nine-bbbb of this title shall be granted for such commercial construction work, except that no deferral of tax payments shall be granted for commercial construction work on mixed-use property: the area delineated by a line beginning at the point where the center line of 59th Street would intersect with the Hudson River Pierhead line; thence southerly along said Pierhead line to the center line of Liberty Street; thence easterly along said center line to the center line of Church Street; thence northerly along said center line to the center line of Fulton Street; thence easterly along said center line to the East River Pierhead line; thence northerly along said Pierhead line to a point which is the midpoint between the center line of 34th Street and the center line of 33rd Street; thence westerly parallel to 33rd Street to a point one hundred fifty feet west of the center line of the Avenue of the Americas; thence northerly parallel to the Avenue of the Americas to a point which is the midpoint between the center line of 42nd Street and the center line of 41st Street; thence westerly parallel to 41st Street to a point one hundred fifty feet west of the center line of 8th Avenue; thence northerly parallel to 8th Avenue to the center line of 59th Street; thence westerly along said center line to the point of beginning.

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this subdivision, the following areas in the borough of Manhattan shall be renovation exemption areas: (i) as of July first, nineteen hundred ninety-two and until June thirtieth, two thousand eight: the area in the borough of Manhattan lying south of the center line of 23rd Street; (ii) as of July first, nineteen hundred ninety-two and until January thirty-first, nineteen hundred ninety-five: the area in the borough of Manhattan lying south of the center line of 96th Street and north of the center line of 23rd Street; and (iii) as of July first, nineteen hundred ninety-five and until June thirtieth, two thousand eight the area in the borough of Manhattan lying south of the center line of 59th Street and north of the center line of 23rd Street.

6. Notwithstanding the provisions of subdivision five of this section, the areas in the borough of Manhattan specified in paragraphs (a), (b) and (c) of this subdivision, except the "Project Area" described in a lease held by the Battery Park City Authority as tenant and originally dated as of November twenty-fourth, nineteen hundred sixty-nine and thereafter from time to time amended, shall be new construction exemption areas: (a) as of July first, nineteen hundred ninety-five and until December thirty-first, nineteen hundred ninety-six: the area in the borough of Manhattan lying south of the center line of 96th Street, excluding the area specified in paragraph (b) of this subdivision; and (b) as of July first, nineteen hundred ninety-five and until June thirtieth, two thousand three: the area in the borough of Manhattan bounded by Murray Street on the north starting at the intersection of West Street and Murray Street; running easterly along the center line of Murray Street; connecting through City Hall Park with the center line of Frankfort Street and running easterly along the center line of Frankfort and Dover Streets to the intersection of Dover Street and South Street; running southerly along the center line of South Street to Peter Minuit Plaza; connecting through Peter Minuit Plaza to the center line of State Street and running northwesterly along the center line of State Street to the intersection of State Street and Battery Place; running westerly along the center line of Battery Place to the intersection of Battery Place and West Street; and running northerly along the center line of West Street to the intersection of West Street and Murray Street; and (c) as of July first, two thousand three and until June thirtieth, two thousand eight: the area in the borough of Manhattan bounded by Murray Street on the north starting at the intersection of West Street and Murray Street; running easterly along the center line of Murray Street; connecting through City Hall Park with the center line of Frankfort Street and running easterly along the center line of Frankfort and Dover Streets to the intersection of Dover Street and South Street; running southerly along the center line of South Street to Peter Minuit Plaza; connecting through Peter Minuit Plaza to the center line of State Street and running northwesterly along the center line of State Street to the intersection of State Street and Battery Place; running westerly along the center line of Battery Place to the intersection of Battery Place

and West Street; and running northerly along the center line of West Street to the intersection of West Street and Murray Street, except the area in the borough of Manhattan bounded by Church Street on the east starting at the intersection of Liberty Street and Church Street; running northerly along the center line of Church Street to the intersection of Church Street and Vesey Street; running westerly along the center line of Vesey Street to the intersection of Vesey Street and West Broadway; running northerly along the center line of West Broadway to the intersection of West Broadway and Barclay Street; running westerly along the center line of Barclay Street to the intersection of Barclay Street and Washington Street; running southerly along the center line of Washington Street to the intersection of Washington Street and Vesey Street; running westerly along the center line of Vesey Street to the intersection of Vesey Street and West Street; running southerly along the center line of West Street to the intersection of West Street and Liberty Street; and running easterly along the center line of Liberty Street to the intersection of Liberty Street and Church Street.

§ 489-dddd. Eligibility for benefits. 1. A recipient of a certificate of eligibility with an effective date of June thirtieth, nineteen hundred ninety-two or before must make one-half the minimum required expenditure within eighteen months of the effective date of such recipient's certificate of eligibility, and make the minimum required expenditure within thirty-six months of the effective date of such certificate to be eligible to receive the benefits of this title. A recipient of a certificate of eligibility with an effective date of July first, nineteen hundred ninety-two or after must make one-half the minimum required expenditure within thirty months of the effective date of such recipient's certificate of eligibility, and make the minimum required expenditure within sixty months of the effective date of such certificate to be eligible to receive the benefits of this title; provided, however, that a recipient of a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (ii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title must make one-half the minimum required expenditure within eighteen

months of the effective date of such recipient's certificate of eligibility, or by December thirty-first, nineteen hundred ninety-four, whichever is earlier, and make the minimum required expenditure within thirty-six months of the effective date of such certificate, or by December thirty-first, nineteen hundred ninety-five, whichever is earlier, to be eligible to receive the benefits of this title; provided, further, however, that a recipient who filed an application for a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (ii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title on or after July first, nineteen hundred ninety-four, but before February first, nineteen hundred ninety-five, must make one-half the minimum required expenditure within eighteen months of the effective date of such certificate, or by July thirty-first, nineteen hundred ninety-five, whichever is earlier, and make the minimum required expenditure within thirty-six months of the effective date of such certificate, or by July thirty-first, nineteen hundred ninety-six, whichever is earlier, to be eligible to receive the benefits of this title provided, further, however, that a recipient who filed an application for a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (i) or (iii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title on or after July first, nineteen hundred ninety-five, must make one-half the minimum required expenditure within eighteen months of the effective date of such certificate, and make the minimum required expenditure within thirty-six months of the effective date of such certificate, to be eligible to receive the benefits of this title. Any recipient who shall fail to make such expenditures shall become ineligible and shall pay, with interest, any taxes for which an exemption or deferral was claimed pursuant to this section. This subdivision shall not apply to the recipient of a certificate of eligibility for construction of a new building or structure that meets the requirements set forth in subdivision nine of section four hundred eighty-nine-dddd of this title in a new construction exemption area.

2. No benefits pursuant to this title shall be granted for

construction work on any condominium unit unless such unit is in a building or structure which, if viewed as a whole and as if it were under single ownership, would qualify as commercial or industrial property. The minimum required expenditure applicable to any recipient of a certificate of eligibility for construction work on a condominium unit shall be equal to the minimum expenditure which would apply if a certificate of eligibility were issued for construction work on the entire property where such unit is located. Nothing in this subdivision shall be construed to prevent owners of condominium units in the same property from forming an association to be a recipient. This subdivision shall not apply to any applicant whose property would be, or recipient whose property is, the subject of a certificate of eligibility with an effective date of July first, nineteen hundred ninety-two or after.

3. (a) No benefits pursuant to this title shall be granted for any construction work unless the applicant filed an application for such benefits on or before the date of issuance of a building permit for such work. The requirements of this subdivision may be satisfied where the applicant's architect, contractor or other representative authorized to file the application for such building permit files with the department of finance on behalf of the applicant a preliminary application containing such information as the department of finance shall prescribe by regulation.

(b) Notwithstanding paragraph (a) of this subdivision, an applicant may file an application for benefits pursuant to this title for renovation construction work for property located in the areas specified in paragraph (c) of this subdivision, regardless of whether a building permit for such work was issued before such application was filed, provided that such permit was not issued before January first, nineteen hundred ninety or after June thirtieth, nineteen hundred ninety-two, and provided further that a final application is filed with, and accepted by, the department of finance, on or before December thirty-first, nineteen hundred ninety-two. The department of finance shall issue a certificate of eligibility to such an applicant upon determining that the applicant satisfies all other requirements of this title. The effective date of such certificate shall be the date of acceptance by the department of finance of a final application containing such

information as prescribed by rule of the department of finance. No benefits pursuant to this title shall be granted for construction work performed before the effective date of the recipient's certificate of eligibility.

(c) Pursuant to paragraph (b) of this subdivision, an applicant may file an application for benefits pursuant to this title for renovation construction work for property located in the following areas in the borough of Manhattan lying south of 96th Street:

(i) the area delineated by a line beginning at the point where the center line of 96th Street would intersect the East River Pierhead line and running westerly along the center line of 96th Street to the center line of Fifth Avenue; thence southerly along said center line to the center line of 59th Street; thence westerly along said center line to a point one hundred fifty feet west of the center line of the Avenue of the Americas; thence southerly parallel to the Avenue of the Americas to the center line of 34th Street; thence easterly along said center line to the East River Pierhead line; thence northerly along said Pierhead line to the point of beginning; and

(ii) the area delineated by a line beginning at the point where the center line of Fulton Street would intersect the East River Pierhead line and running westerly along the center line of Fulton Street to the center line of Church Street; thence southerly along said center line to the center line of Liberty Street; thence westerly along said center line to the Hudson River Pierhead line; thence southerly and along said Pierhead line to the point of beginning.

(d) Notwithstanding paragraph (a) of this subdivision, an applicant may file an application for benefits pursuant to this title for renovation construction work for property located in the renovation exemption area specified in subparagraph (iii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title within sixty days of the effective date of chapter six hundred sixty-one of the laws of nineteen hundred ninety-five, regardless of whether a building permit for such work was issued before such application was filed, provided that such permit was not issued before February first, nineteen hundred ninety-five, and provided further that a final application is filed with, and accepted by, the department of finance, on or before December thirty-first, nineteen hundred ninety-five. The

department of finance shall issue a certificate of eligibility to such an applicant upon determining that the applicant satisfies all other requirements of this title. The effective date of such certificate shall be the date of acceptance by the department of finance of a final application containing such information as prescribed by rule of the department of finance. No benefits pursuant to this title shall be granted for construction work performed before the effective date of such certificate of eligibility.

4. No benefits pursuant to this title shall be granted to any recipient for construction work on property any part of which is to be used for a restricted activity.

5. No benefits pursuant to this title shall be granted for any construction work unless the applicant shall file, together with the application, an affidavit setting forth the following information:

(a) a statement that within the seven years immediately preceding the date of application for a certificate of eligibility, neither the applicant, nor any person owning a substantial interest in the property as defined in paragraph (c) of this subdivision, nor any officer, director or general partner of the applicant or such person was finally adjudicated by a court of competent jurisdiction to have violated section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another state with respect to any building, or was an officer, director or general partner of a person at the time such person was finally adjudicated to have violated such law; and

(b) a statement setting forth any pending charges alleging violation of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction with respect to any building by the applicant or any person owning a substantial interest in the property as defined in paragraph (c) of this subdivision, or any officer, director or general partner of the applicant or such person.

(c) "Substantial interest" as used in this subdivision shall mean ownership and control of an interest of ten per centum or more in a property or any person owning a property.

6. If any person described in the statement required by paragraph (b) of subdivision five of this section is finally adjudicated by a court of competent jurisdiction to be guilty of any charge listed in such statement, the recipient shall cease to be eligible for benefits pursuant to this title and shall pay with interest any taxes for which an exemption, abatement or deferral was claimed pursuant to this title.

7. In addition to any other qualifications for exemption from or abatement or deferral of payment of taxes set forth in this title, an applicant must be:

(a) obligated to pay real property tax on the property for which an exemption, abatement or deferral is sought, whether such obligation arises because of record ownership of such property, or because the obligation to pay such tax has been assumed by contract; or

(b) the record owner or lessee of property which is exempt from real property taxation who has entered into an agreement to sell or lease such property to another person. Such person shall be a co-applicant with such owner or lessee.

8. A co-applicant with a public entity shall be an eligible recipient pursuant to this title, provided that for such period as the property which is the subject of the certificate of eligibility is exempt from real property taxation because it is owned or controlled by a public entity no benefits shall be available to such recipient, pursuant to this title. Such recipient shall receive benefits pursuant to this title when such property ceases to be eligible for exemption pursuant to other provisions of law, as follows: the recipient shall, commencing with the date such tax exemption ceases, and continuing until the expiration of the benefit period pursuant to this title, receive the benefits to which such recipient is entitled in the corresponding tax year pursuant to this title.

9. (a)(i) No benefits pursuant to this title shall be granted for construction of a new building or structure in the new construction exemption area specified in paragraph (a) of subdivision six of section four hundred eighty-nine-cccc of this title unless (A) construction of

the foundation of such building or structure has been completed within twelve months of the effective date of the recipient's certificate of eligibility, or by December thirty-first, nineteen hundred ninety-seven, whichever is earlier; and (B) construction of such building or structure has been completed within thirty-six months of the effective date of the recipient's certificate of eligibility, or by December thirty-first, nineteen hundred ninety-nine, whichever is earlier.

(ii) No benefits pursuant to this title shall be granted for construction of a new building or structure in the new construction exemption area specified in paragraph (b) of subdivision six of section four hundred eighty-nine-cccc of this title unless: (A) construction of the foundation of such building or structure has been completed within twenty-four months of the effective date of the recipient's certificate of eligibility; and (B) construction of such building or structure has been completed within forty-two months of the effective date of the recipient's certificate of eligibility.

(iii) Notwithstanding subparagraph (i) of this paragraph, benefits pursuant to this title may be granted for construction of a new building or structure in the new construction exemption area specified in paragraph (a) of subdivision six of section four hundred eighty-nine-cccc of this title, provided that (A) construction of the foundation of such building or structure has been completed by December thirty-first, nineteen hundred ninety-eight; (B) construction of such building or structure has been completed by December thirty-first, two thousand; (C) such building or structure is located in the portion of such new construction exemption area lying south of the center line of 34th Street; and (D) the applicant meets all other eligibility requirements for benefits pursuant to this title, including, but not limited to, the requirement that an application for a certificate of eligibility for construction of such new building or structure shall have been made before January first, nineteen hundred ninety-seven.

(iv) No benefits pursuant to this title shall be granted for construction of a new building or structure in the new construction exemption area specified in paragraph (c) of subdivision six of section four hundred eighty-nine-cccc of this title unless (A) construction of the foundation of such building or structure has been completed within twenty-four months of the effective date of the recipient's certificate

of eligibility; and (B) construction of such building or structure has been completed within forty-two months of the effective date of the recipient's certificate of eligibility.

(b) No benefits pursuant to this title shall be granted for construction of a new building or structure in a new construction exemption area unless such building or structure meets the requirements set forth in subparagraphs (i) and (ii) of this paragraph and, in addition, meets at least two of the five requirements set forth in subparagraphs (iii) through (vii) of this paragraph.

(i) The height of at least fifty per centum of the floors in such building or structure shall be not less than twelve feet, nine inches measured from the top of the slab comprising the floor to the bottom of the slab comprising the ceiling, provided, however, that in the case of a new building or structure that is eligible for benefits pursuant to subparagraph (iii) of paragraph (a) of this subdivision, the height of at least forty per centum of the floors in such building or structure shall be not less than twelve feet, nine inches measured from the top of the slab comprising the floor to the bottom of the slab comprising the ceiling;

(ii) Such building or structure shall be served by fiber-optic telecommunications wiring and shall contain vertical penetrations for the distribution of fiber optic cabling to individual tenants on each floor;

(iii) The total square footage of such building or structure is not less than five hundred thousand gross square feet;

(iv) A minimum of two hundred thousand gross square feet or twenty-five per centum of such building or structure is comprised of floors of not less than forty thousand gross square feet;

(v) At least ten per centum of the gross square footage of such building or structure is comprised of floors that contain no more than eight structural columns, excluding any columns within the core or on the periphery of such building or structure;

(vi) The electrical capacity of such building or structure is not less than six watts per net square foot;

(vii) Emergency backup power sufficient to accommodate a need of six watts per net square foot is available in at least two hundred thousand gross square feet or twenty-five per centum of such building or

structure.

10. No benefits pursuant to this title shall be granted for construction work performed pursuant to a building permit issued after July thirty-first, two thousand eight, except that if a building permit is issued on or before July thirty-first, two thousand eight for construction work on a building or structure described in an application for a certificate of eligibility filed on or before June thirtieth, two thousand eight, construction work performed as described in such application pursuant to any additional building permit issued on or after August first, two thousand eight shall be eligible for benefits pursuant to this title in accordance with this subdivision.

(a) Except as provided in paragraph (b) of this subdivision, all construction work performed pursuant to any such application shall be completed on or before December thirty-first, two thousand thirteen. No benefits shall be granted for construction work performed after such date, and any exemption granted pursuant to this title in relation to property on which such construction work was performed shall not exceed the amount of the exemption in effect for such property on the tax roll for which the taxable status date is January fifth, two thousand fourteen.

(b) All construction work performed pursuant to any such application for the construction of a new building or structure in the new construction exemption area specified in paragraph (c) of subdivision six of section four hundred eighty-nine-cccc of this title shall be completed in accordance with subparagraph (iv) of paragraph (a) of subdivision nine of this section and, if not completed in accordance with such subparagraph, shall not be eligible for benefits pursuant to this title.

(c) For purposes of this subdivision, construction work as described in an application for a certificate of eligibility shall be deemed completed on the date on which the department of buildings of a city that has enacted a local law pursuant to this title issues a temporary or final certificate of occupancy or, if such construction work does not require the issuance of a certificate of occupancy, the date on which the applicant and the applicant's architect or professional engineer for such construction work submit to the department of finance an affidavit

certifying that such construction work has been completed. For purposes of this subdivision, a demolition permit shall be deemed to be a building permit issued for construction work.

§ 489-eeee. Application for certificate of eligibility. 1. Application for a certificate of eligibility pursuant to this title may be made immediately following the effective date of a local law enacted pursuant to this title and continuing until June thirtieth, two thousand eight; provided, however, that application for a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (ii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title may not be made after January thirty-first, nineteen hundred ninety-five; provided, further, however, that application for a certificate of eligibility for construction of a new building or structure that meets the requirements set forth in subdivision nine of section four hundred eighty-nine-dddd of this title in the new construction exemption area specified in paragraph (a) of subdivision six of section four hundred eighty-nine-cccc of this title may not be made after December thirty-first, nineteen hundred ninety-six; provided, further, however, that application for a certificate of eligibility for construction of a new building or structure that meets the requirements set forth in subdivision nine of section four hundred eighty-nine-dddd of this title in the new construction exemption area specified in paragraph (b) of subdivision six of section four hundred eighty-nine-cccc of this title may not be made after June thirtieth, two thousand three. Such application shall state whether it is for industrial, commercial or renovation construction work, and shall be filed with the department of finance. In addition to any other information required by such department, the application shall include cost estimates or bids for the proposed construction and an affidavit of a professional engineer or architect of the applicant's choice, certifying that detailed plans for the construction work have been submitted to the department of buildings. Such application shall also state that the applicant agrees to comply with and be subject to the rules issued from time to time by the department of finance to secure

compliance with all applicable city, state and federal laws or which implement mayoral directives and executive orders designed to ensure equal employment opportunity. If required by local law or rule as described in section four hundred eighty-nine-llll of this title, such application shall also state that the applicant agrees to comply with the program established thereby to ensure meaningful participation of minority and women-owned business enterprises in construction work for which the applicant receives benefits. Such application shall also certify that all taxes currently due and owing on the property which is the subject of the application have been paid or are currently being paid in timely installments pursuant to written agreement with the department of finance.

2. The burden of proof shall be on the applicant to show by clear and convincing evidence that the requirements for granting an exemption from or abatement or deferral of payment of taxes pursuant to this title have been satisfied. The department of finance shall have the authority to require that statements in connection with the application be made under oath.

3. The department of finance shall issue a certificate of eligibility upon determining that the applicant satisfies the requirements for industrial, commercial or renovation construction work in an area where benefits are available for such work. Such certificate shall state whether such benefits are to be granted for industrial, commercial or renovation construction work, and in which class of area the property is located. The effective date of such certificate, except as provided in paragraph (b) or paragraph (d) of subdivision three of section four hundred eighty-nine-dddd of this title, shall be the earlier of (a) the date on which a building permit for the construction work is issued by the department of buildings, or (b) the last day before the effective date of any designation of boundaries by the commission which changes the class of area in which the property is located so as to reduce the level of benefits for commercial construction work on such property. Where the effective date of the certificate of eligibility is July first, nineteen hundred ninety-two or after, the benefits granted for industrial, commercial or renovation construction work pursuant to this

title shall be in accordance with the provisions of this title as amended by chapter seven hundred eighty-one of the laws of nineteen hundred ninety-two, chapter seven hundred twenty-six of the laws of nineteen hundred ninety-four, chapter six hundred sixty-one of the laws of nineteen hundred ninety-five, chapter one hundred forty-three of the laws of nineteen hundred ninety-nine, chapter one hundred three of the laws of two thousand three and the chapter of the laws of two thousand seven which amended this subdivision. Where the effective date of the certificate is June thirtieth, nineteen hundred ninety-two or before, the benefits granted for industrial or commercial construction work pursuant to this title shall be in accordance with the provisions of this title as it was in effect until June thirtieth, nineteen hundred ninety-two immediately prior to its amendment by chapter seven hundred eighty-one of the laws of nineteen hundred ninety-two. No recipient whose property is the subject of a certificate of eligibility for commercial construction work in a deferral area shall be eligible to apply for a certificate of eligibility for renovation construction work on the same property, where the renovation construction work is the same as, or similar to, the commercial construction work for which the deferral area certificate was issued, until three years after the effective date of the deferral area certificate. No recipient shall receive a tax deferral and a tax exemption for the same expenditure on eligible construction work.

4. A copy of the certificate of eligibility shall be filed by the department of finance in the manner prescribed for recording a mortgage pursuant to section two hundred ninety-one-d of the real property law.

5. The department of finance may provide by rule for reasonable administrative charges or fees necessary to defray expenses in administering the benefit program provided by this title.

§ 489-ffff. Reporting requirement; termination of benefits. 1. Upon approval by the department of buildings of the plans submitted in connection with the building permit and any amendments to such plans, the recipient shall file with the department of finance a narrative

description of such approved plans describing the industrial, commercial or renovation construction work for which such recipient seeks benefits pursuant to this title.

2. For the duration of the benefit period the recipient shall file annually with the department of finance, on or before the taxable status date, a certificate of continuing use stating the purposes for which the property described in the certificate of eligibility is being used and the net square footage allotted to each such purpose. Such certificate of continuing use shall be on a form prescribed by the department of finance and shall state the total number of workers employed on the property and the number of such workers who are city residents. The department of finance shall have authority to terminate benefits pursuant to this title upon failure of a recipient to file such certificate by the taxable status date. The burden of proof shall be on the recipient to establish continuing eligibility for benefits and the department of finance shall have the authority to require that statements made in such certificate shall be made under oath.

3. A recipient shall file an amendment to the latest certificate of continuing use prior to (a) converting square footage within property which is the subject of a certificate of eligibility for industrial construction work from use for the manufacturing activities described in such certificate of continuing use where such conversion results in less than sixty-five per centum of total net square footage being used or held out for use for manufacturing activities; or (b) converting any portion of property which is the subject of a certificate of eligibility to use for any restricted activity or as residential property.

4. Not later than eighteen months after the effective date of a certificate of eligibility, with an effective date of June thirtieth, nineteen hundred ninety-two or before, the recipient shall present evidence to the department of finance demonstrating that the recipient has made one-half of the minimum required expenditure. Not later than thirty-six months after the effective date of such certificate, such recipient shall present evidence to such department demonstrating that the recipient has made the minimum required expenditure. Not later than

thirty months after the effective date of a certificate of eligibility with an effective date of July first, nineteen hundred ninety-two or after, the recipient shall present evidence to the department of finance demonstrating that the recipient has made one-half of the minimum required expenditure; provided, however, that a recipient of a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (ii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title shall present such evidence not later than eighteen months after the effective date of such certificate, or by December thirty-first, nineteen hundred ninety-four, whichever is earlier; provided, further, however, that a recipient who filed an application for a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (ii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title on or after July first, nineteen hundred ninety-four, but before February first, nineteen hundred ninety-five, shall present such evidence not later than eighteen months after the effective date of such certificate, or by July thirty-first, nineteen hundred ninety-five, whichever is earlier, provided, further, however, that a recipient who filed an application for a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (i) or (iii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title on or after July first, nineteen hundred ninety-five, shall present such evidence not later than eighteen months after the effective date of such certificate. Not later than sixty months after the effective date of a certificate of eligibility with an effective date of July first, nineteen hundred ninety-two or after, the recipient shall present evidence to such department demonstrating that the recipient has made the minimum required expenditure; provided, however, that a recipient of a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (ii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title shall present such evidence not later than thirty-six months after the effective date of such certificate, or by December thirty-first, nineteen hundred

ninety-five, whichever is earlier; provided, further, however, that a recipient who filed an application for a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (ii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title on or after July first, nineteen hundred ninety-four, but before February first, nineteen hundred ninety-five, shall present such evidence not later than thirty-six months after the effective date of such certificate, or by July thirty-first, nineteen hundred ninety-six, whichever is earlier, provided, further, however, that a recipient who filed an application for a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (i) or (iii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this title on or after July first, nineteen hundred ninety-five, shall present such evidence not later than thirty-six months after the effective date of such certificate. Such evidence shall be presented in the form and manner prescribed by such department. The burden of proof shall be on the recipient to show by clear and convincing evidence that the required expenditures have been made. This subdivision shall not apply to the recipient of a certificate of eligibility for construction of a new building or structure that meets the requirements set forth in subdivision nine of section four hundred eighty-nine-dddd of this title in a new construction exemption area.

5. A recipient of a certificate of eligibility for construction of a new building or structure in a new construction exemption area shall present evidence to the department of finance demonstrating that the requirements of subdivision nine of section four hundred eighty-nine-dddd of this title have been met. Such evidence shall be presented in the form and manner and at the time prescribed by such department. The burden of proof shall be on the recipient to show by clear and convincing evidence that such requirements have been met.

§ 489-gggg. Conversion of property. 1. Any recipient whose property is the subject of a certificate of eligibility for commercial or renovation

construction work, and who, prior to the expiration of the benefit period, uses such property as industrial property, shall continue to receive benefits for commercial or renovation construction work as the case may be.

2. Any recipient whose property is the subject of a certificate of eligibility for industrial construction work, and who, prior to the expiration of the benefit period, uses such property as commercial property, shall cease to be eligible for further exemption or abatement for industrial construction work as of the last date to which such recipient proves by clear and convincing evidence that such property was used as industrial property, and shall pay with interest any taxes for which an exemption or abatement was claimed after such date, except that:

(a) a recipient of a certificate of eligibility for industrial construction work in a special exemption area who would have been eligible to receive a certificate of eligibility for commercial construction work at the time such recipient applied for benefits shall continue to receive an exemption for industrial construction; and

(b) a recipient of a certificate of eligibility for industrial construction work in a regular exemption area who would have been eligible to receive a certificate of eligibility for commercial construction work at the time such recipient applied for benefits shall, commencing with the date of conversion to commercial property and continuing until the expiration of the benefit period for commercial construction work, receive any exemption which such recipient would have received in the corresponding tax year pursuant to a certificate of eligibility for commercial construction work; and

(c) a recipient of a certificate of eligibility for industrial construction work in any area of the city on whose property at least sixty-five per centum of the net square footage continues to be used or held out for use for manufacturing activities after conversion to commercial property, shall not be required to pay the pro rata share of tax for which an exemption was claimed during the tax year in which such conversion occurred.

3. Except as provided in subdivision four of this section, any

recipient whose property is the subject of a certificate of eligibility for commercial, industrial or renovation construction work, and who uses such property as residential property or for any restricted activity prior to the expiration of the benefit period, shall cease to be eligible for further exemption, abatement or deferral as of the date such property was first used as residential property or for any restricted activity. In the case of property in an area that was designated as an exemption area at the time the certificate of eligibility was issued, such recipient shall pay with interest any taxes for which an exemption was claimed after such date, including the pro rata share of tax for which any exemption was claimed during the tax year in which such use occurred. In the case of industrial property, such recipient shall pay with interest any taxes for which an exemption or abatement was claimed after such date, including the pro rata share of tax for which any exemption or abatement was claimed during the tax year in which such use occurred. In the case of property in an area that was designated as a deferral area at the time the certificate of eligibility was issued, all deferred tax payments on the property shall become due and payable immediately.

4. Notwithstanding subdivision three of this section, any recipient whose property is the subject of a certificate of eligibility for commercial or renovation construction work with an effective date of July first, nineteen hundred ninety-two or after, and who, prior to the expiration of the benefit period, uses a portion of such property as residential property, shall cease to be eligible for further exemption for commercial or renovation construction work for that portion of such property used as residential property as of the date such portion of the property was first used as residential property. Such recipient shall pay, with interest, any taxes for which an exemption was claimed after such date attributable to that portion of the property used as residential property, including the pro rata share of tax for which such exemption was claimed during the tax year in which such use occurred. Such recipient shall continue to receive an exemption for commercial or renovation construction work for that portion of the property which continues to be used as commercial property.

§ 489-hhhh. Administration of the benefit program. 1. The department of finance of any city enacting a local law pursuant to section four hundred eighty-nine-bbbb of this title shall have, in addition to any other functions, powers and duties which have been or may be conferred on it by law, the following functions, powers and duties:

(a) To publicize the availability of benefits pursuant to this title for industrial, commercial and renovation construction work.

(b) To receive and review applications for certificates of eligibility, issue such certificates where authorized pursuant to section four hundred eighty-nine-eeee of this title, and record the issuance of such certificates as prescribed in such section.

(c) To receive evidence of expenditures made for construction, and where such expenditures do not equal the amount required to qualify for exemption from or abatement or deferral of tax payments to take appropriate action, including but not limited to denying, reducing, suspending, terminating or revoking benefits pursuant to this title.

(d) To enter and inspect property to determine whether it is industrial or commercial or mixed-use and to determine whether (i) any such property is being used for any restricted use, or (ii) any property which is the subject of a certificate of eligibility for industrial construction work is being used as commercial property, or (iii) any industrial or commercial property is being used as residential or mixed-use property, or (iv) all or part of the nonresidential portion of mixed-use property is being used as residential property.

(e) To collect all real property taxes for which payment is deferred pursuant to this title.

(f) To collect all real property taxes, with interest, due and owing as a result of reduction, suspension, termination or revocation of any exemption from or abatement or deferral of taxes granted pursuant to this title.

(g) To make and promulgate regulations to carry out the purposes of this title, including, but not limited to, regulations requiring applicants to publish notice of their applications, defining manufacturing and commercial activities and specifying the nature of work for which expenses may be included in the minimum required expenditure, provided, however, that any regulation increasing the

minimum required expenditure shall not apply to any person who is a recipient on the effective date of such regulation. Such regulations shall include a requirement that with respect to the construction work recipients and their contractors shall be equal opportunity employers and may also provide that persons employed in the construction work shall implement a training program for economically disadvantaged persons enrolled or eligible to be enrolled in training programs approved by the department of labor.

§ 489-iiii. Code violations; suspension or termination of benefits. A local law enacted pursuant to this title may provide that benefits pursuant to this title shall be suspended or terminated if the recipient is found to have failed to cure violations of the applicable building, fire, or air pollution control codes on the property which is the subject of the certificate of eligibility. Such local law shall define the circumstances under which benefits may be suspended or revoked for such violations and provide procedures whereby determinations to suspend, terminate or reinstate such benefits shall be made.

§ 489-jjjj. Tax lien; interest rate. 1. All taxes plus interest required to be paid retroactively pursuant to this title shall constitute a tax lien as of the date it is determined such taxes and interest are owed. All interest shall be calculated from the date the taxes would have been due but for the exemption, abatement or deferral claimed pursuant to this title at three per centum above the applicable rate of interest imposed by such city generally for non-payment of real property tax on such date.

2. All taxes for which payment is deferred pursuant to section four hundred eighty-nine bbbb of this title shall constitute a tax lien as of the date they are due and payable in accordance with the provisions of that section.

§ 489-kkkk. Penalties for non-compliance, false statements and

omissions. 1. The department of finance may deny, reduce, suspend, revoke or terminate any exemption from or abatement or deferral of tax payments pursuant to this title whenever (a) a recipient fails to comply with the requirements of this title or the rules promulgated by the department of finance pursuant thereto; or (b) an application, certificate, report or other document delivered by an applicant or recipient hereunder contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statements therein not false or misleading, and may declare any applicant or recipient who makes such false or misleading statement or omission to be ineligible for future exemption, abatement or deferral pursuant to this title for the same or other property.

2. Notwithstanding any other law to the contrary, a recipient shall be personally liable for any taxes owed pursuant to this title whenever such recipient fails to comply with such law and rules or makes such false or misleading statement or omission, and the department of finance determines that such act was due to the recipient's willful neglect, or that under the circumstances such act constituted a fraud on the department of finance or a buyer or prospective buyer of the property. The remedy provided herein for an action in personam shall be in addition to any other remedy or procedure for the enforcement of collection of delinquent taxes provided by any general, special or local law. Any lease provision which obligates a tenant to pay taxes which become due because of willful neglect or fraud by the recipient, or otherwise relieve or indemnify the recipient from any personal liability arising hereunder, shall be void as against public policy except where the imposition of such taxes or liability is occasioned by actions of the tenant in violation of the lease.

§ 489-llll. Participation of minority and women-owned business enterprises. A city enacting a local law pursuant to this title may provide for a program to ensure meaningful participation of minority and woman-owned business enterprises in construction work for which an applicant receives benefits. Such program may be established, and amended from time to time, by local law, or by rule of the department of

finance not inconsistent with any such local law.

TITLE 2-E
**TAX EXEMPTION FOR CERTAIN CONSTRUCTION
WORK ON MIXED-USE PROPERTY IN CITIES
HAVING A POPULATION OF ONE MILLION OR MORE**

Section 489-aaaaa. Definitions.

489-bbbbbb. Real property tax exemption.

489-cccccc. Eligibility for benefits.

489-dddddd. Application for certificate of eligibility.

489-eeeeee. Reporting requirement; termination of benefits.

489-ffffff. Conversion of property.

489-gggggg. Administration of the benefit program.

489-hhhhhh. Tax lien; interest rate.

489-iiiiii. Penalties for non-compliance, false statements and omissions.

§ 489-aaaaa. Definitions. When used in this title:

1. "Aggregate floor area" means the sum of the gross areas of the several floors of a building or structure, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings or structures.

2. "Applicant" means any person obligated to pay real property taxes on the property for which an exemption from real property taxes under this title is sought or in the case of exempt property, the record owner or lessee thereof.

3. "Approved plans" means plans submitted to and approved by the department of buildings in connection with an applicant's building permit, including any amendments to such plans approved by such department before final inspection of the work for which such permit was issued.

4. "Benefit period" means the period of time when a recipient is eligible to receive benefits pursuant to this title.

5. "Certificate of eligibility" means the document issued by the department of finance pursuant to section four hundred eighty-nine-ddddd of this title.

6. "Commercial construction work" means the modernization, rehabilitation, expansion or other improvement of the portion of mixed-use property to be used for commercial purposes.

7. "Commercial purpose or use" means the buying, selling or otherwise providing of goods or services, including hotel services, or other lawful business or commercial activities permitted in mixed-use property.

8. "Exemption base." For the purpose of computing the exemption pursuant to section four hundred eighty-nine-bbbbb of this title, "exemption base" shall mean: (a) for the first through fifth taxable years following the effective date of a certificate of eligibility, the assessed value of improvements made since the effective date of such certificate which are attributable exclusively to residential construction work or a combination of residential construction work and commercial construction work described in approved plans; and (b) for all other years, the assessed value of such improvements which have been made before the sixth taxable status date following the effective date of such certificate.

9. "Initial assessed value" means the lesser of (a) the taxable assessed value of real property appearing on the books of the annual record of the assessed valuation of real property on the effective date of a recipient's certificate of eligibility or (b) the assessed value to which such assessment is thereafter reduced pursuant to application to the tax commission or court order.

10. "Minimum required expenditure" means expenditure for residential construction work or a combination of residential construction work and

commercial construction work in an amount equal to twenty per centum of the initial assessed value; provided, however, that if the department of finance, after consultation with the deputy mayor for finance and economic development, determines that a greater expenditure is required to encourage significant development of mixed-use property, it may establish by rule a higher percentage of initial assessed value, not to exceed fifty per centum thereof, as the minimum required expenditure.

11. "Mixed-use property" means property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes, provided that after completion of such construction work, more than twenty-five per centum of the aggregate floor area of such building or structure is used or held out for use as commercial, community facility or accessory use space.

12. "Mixed-use construction exemption area" means any area of a city having a population of one million or more persons, in which, subject to the applicable law governing zoning in such city, mixed-use property is permitted, provided, however, that in the city of New York, subject to the applicable law governing zoning in such city, mixed-use construction exemption area shall mean: the area in the borough of Manhattan bounded by Murray Street on the north starting at the intersection of West Street and Murray Street; running easterly along the center line of Murray Street; connecting through City Hall Park with the center line of Frankfort Street and running easterly along the center lines of Frankfort and Dover Streets to the intersection of Dover Street and South Street; running southerly along the center line of South Street to Peter Minuit Plaza; connecting through Peter Minuit Plaza to the center line of State Street and running northwesterly along the center line of State Street to the intersection of State Street and Battery Place; running westerly along the center line of Battery Place to the intersection of Battery Place and West Street; and running northerly along the center line of West Street to the intersection of West Street and Murray Street.

13. "Person" means an individual, corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.

14. "Recipient" means an applicant to whom a certificate of eligibility has been issued pursuant to this title, or the successor in interest of such applicant, provided that where a person who has entered into a lease or purchase agreement with the owner or lessee of exempt property has been a co-applicant, such person or the successor in interest of such person shall be the recipient.

15. "Residential construction work" means the creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

16. "Restricted activity" means any entertainment activity which the department of finance has identified in rules as an activity which, in the public interest, should not be encouraged through the benefits of this title.

§ 489-bbbbbb. Real property tax exemption. 1. Within the mixed-use construction exemption area specified in subdivision twelve of section 489-aaaaa of this title, the following benefits shall be available to qualified recipients: A recipient who, following the effective date of a certificate of eligibility, has performed residential construction work or both residential construction work and commercial construction work on mixed-use property shall be eligible for an exemption from real property taxes as follows: For the first eight tax years, the recipient shall be exempt from taxation on one hundred per centum of the exemption base. During the ninth year, the recipient shall be exempt from taxation on eighty per centum of the exemption base; during the tenth year, the recipient shall be exempt from taxation on sixty per centum of the exemption base; during the eleventh year, the recipient shall be exempt from taxation on forty per centum of the exemption base; and during the twelfth year, the recipient shall be exempt from taxation on twenty per

centum of the exemption base.

The following table shall illustrate the computation of the exemption pursuant to this subdivision:

Tax year following effective
date of certificate of

eligibility:	Amount of exemption:
1 through 8	100% of exemption base
9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

2. Notwithstanding subdivision one of this section, a recipient who has performed residential construction work or both residential construction work and commercial construction work on mixed-use property that, in accordance with procedures set forth in local law, was designated as a landmark before the date by which the recipient is required to complete the minimum required expenditure shall be eligible for an exemption from real property taxes as follows: For the first nine tax years, the recipient shall be exempt from taxation on one hundred per centum of the exemption base. During the tenth year, the recipient shall be exempt from taxation on eighty per centum of the exemption base; during the eleventh year, the recipient shall be exempt from taxation on sixty per centum of the exemption base; during the twelfth year, the recipient shall be exempt from taxation on forty per centum of the exemption base; and during the thirteenth year, the recipient shall be exempt from taxation on twenty per centum of the exemption base.

The following table shall illustrate the computation of the exemption pursuant to this subdivision:

Tax year following effective
date of certificate of

eligibility:	Amount of exemption:
1 through 9	100% of exemption base
10	80% of exemption base
11	60% of exemption base

12
13

40% of exemption base
20% of exemption base

§ 489-cccc. Eligibility for benefits. 1. A recipient of a certificate of eligibility with an effective date of July first, nineteen hundred ninety-five or after must make one-half the minimum required expenditure within eighteen months of the effective date of such certificate, and make the minimum required expenditure within thirty-six months of the effective date of such certificate to be eligible to receive the benefits of this title. Any recipient who shall fail to make such expenditures shall cease to be eligible for benefits pursuant to this title and shall pay, with interest, any taxes for which an exemption was claimed pursuant to this title.

2. No benefits pursuant to this title shall be granted for construction work on any condominium unit unless such unit is in a building or structure which, if viewed as a whole and as if it were under single ownership, would qualify as mixed-use property. The minimum required expenditure applicable to any recipient of a certificate of eligibility for construction work on a condominium unit shall be equal to the minimum required expenditure which would apply if a certificate of eligibility were issued for construction work on the entire property where such unit is located. Nothing in this subdivision shall be construed to prevent owners of condominium units in the same property from forming an association to be a recipient.

3. No benefits pursuant to this title shall be granted for any construction work unless the applicant filed an application for such benefits on or before the date of issuance of a building permit for such work. The requirements of this subdivision may be satisfied where the applicant's architect, contractor or other representative authorized to file the application for such building permit files with the department of finance on behalf of the applicant a preliminary application containing such information as the department of finance shall prescribe by rule.

4. No benefits pursuant to this title shall be granted for any construction work on property any part of which is used or is to be used for a restricted activity.

5. No benefits pursuant to this title shall be granted for construction work which is the subject of a certificate of eligibility issued pursuant to title two, title two-C or title two-D of this article.

6. The benefits of this title shall be granted exclusively for residential construction work or a combination of residential construction work and commercial construction work described in approved plans. The benefits of this title shall be granted exclusively for residential construction work or a combination of residential construction work and commercial construction work on existing buildings or structures which, after completion of such construction work, will qualify as mixed-use property. No benefits pursuant to this title shall be granted for construction of a new building or structure.

7. Any tax lot which is partly located inside the mixed-use construction exemption area shall be deemed to be entirely located inside such area.

8. No benefits pursuant to this title shall be granted for any residential construction work or combination of residential construction work and commercial construction work unless the applicant shall file, together with the application, an affidavit setting forth the following information:

(a) a statement that within the seven years immediately preceding the date of application for a certificate of eligibility, neither the applicant, nor any person owning a substantial interest in the property as defined in paragraph (c) of this subdivision, nor any officer, director or general partner of the applicant or such person was finally adjudicated by a court of competent jurisdiction to have violated section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction with respect to any building, or was an officer,

director or general partner of a person at the time such person was finally adjudicated to have violated such law; and

(b) a statement setting forth any pending charges alleging violation of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction with respect to any building by the applicant or any person owning a substantial interest in the property as defined in paragraph (c) of this subdivision, or any officer, director or general partner of the applicant or such person, or any person for whom the applicant or person owning a substantial interest in the property is an officer, director or general partner.

(c) "Substantial interest" as used in this subdivision and subdivision nine of this section shall mean ownership and control of an interest of ten per centum or more in a property or any person owning a property.

9. (a) If any person described in the statement required by paragraph (b) of subdivision eight of this section or paragraph (b) of this subdivision is finally adjudicated by a court of competent jurisdiction to be guilty of any charge listed in such statement, the recipient shall cease to be eligible for benefits pursuant to this title and shall pay, with interest, any taxes for which an exemption was claimed pursuant to this title.

(b) The recipient shall, on the certificate of continuing use, state whether any charges alleging violation by the recipient or any person owning a substantial interest in the property, or any officer, director or general partner of the recipient or person owning a substantial interest in the property, or any person for whom the recipient or person owning a substantial interest in the property is an officer, director or general partner, of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction, are pending. For purposes of this paragraph, "substantial interest" shall have the same meaning as set forth in paragraph (c) of subdivision eight of this section.

10. In addition to any other qualifications for exemption from payment of taxes set forth in this title, an applicant must be:

(a) obligated to pay real property tax on the property for which an

exemption is sought, whether such obligation arises because of record ownership of such property, or because the obligation to pay such tax has been assumed by contract; or

(b) the record owner or lessee of property which is exempt from real property taxation who has entered into an agreement to sell or lease such property to another person. Such person shall be a co-applicant with such owner or lessee.

11. A co-applicant with a public entity shall be an eligible recipient pursuant to this title, provided that for such period as the property which is the subject of the certificate of eligibility is exempt from real property taxation because it is owned or controlled by a public entity no benefits shall be available to such recipient pursuant to this title. Such recipient shall receive benefits pursuant to this title when such property ceases to be eligible for exemption pursuant to other provisions of law, as follows: the recipient shall, commencing with the date such tax exemption ceases, and continuing until the expiration of the benefit period pursuant to this title, receive the benefits to which such recipient is entitled in the corresponding tax year pursuant to this title.

12. Notwithstanding the provisions of any local law for the stabilization of rents in multiple dwellings or the emergency tenant protection act of nineteen seventy-four, the rents of a dwelling unit in property which is the subject of a certificate of eligibility pursuant to this title shall be fully subject to control under such local law, unless exempt under such local law from control by reason of the cooperative or condominium status of the dwelling unit, for the entire period for which such property is receiving benefits pursuant to this title, provided, however, that for purposes of this subdivision, a property receiving benefits pursuant to this title whose benefits are suspended, terminated or revoked by the department of finance shall be deemed to be receiving benefits for the length of time such benefits would have been received if such benefits had not been suspended, terminated or revoked, or for the period such local law is in effect, whichever is shorter. Thereafter, such rents shall continue to be subject to such control, except that such rents that would not have been

subject to such control but for this subdivision, shall be decontrolled if the landlord has included in each lease and renewal thereof for such unit for the tenant in residence at the time of such decontrol a notice in at least twelve point type informing such tenant that the unit shall become subject to such decontrol upon the expiration of benefits pursuant to this title.

§ 489-ddddd. Application for certificate of eligibility. 1.

Application for a certificate of eligibility pursuant to this title may be made on or after July first, nineteen hundred ninety-five and continuing until June thirtieth, nineteen hundred ninety-nine, provided, however, that no benefits pursuant to this title shall be granted for construction work performed pursuant to a building permit issued after July thirty-first, nineteen hundred ninety-nine. Such application shall state whether it is for residential construction work or a combination of residential construction work and commercial construction work, and shall be filed with the department of finance. In addition to any other information required by such department, the application shall include cost estimates or bids for the proposed construction and an affidavit of a professional engineer or architect of the applicant's choice, certifying that detailed plans for the construction work have been submitted to the department of buildings. Such application shall also state that the applicant agrees to comply with and be subject to rules issued from time to time by the department of finance to secure compliance with this title and all applicable local, state and federal laws. Such application shall also certify that all taxes, water charges and sewer rents currently due and owing on the property which is the subject of the application have been paid or are currently being paid in timely installments pursuant to written agreement with the department of finance or other appropriate agency.

2. The burden of proof shall be on the applicant to show by clear and convincing evidence that the requirements for granting an exemption from payment of taxes pursuant to this title have been satisfied. The department of finance shall have the authority to require that statements in connection with the application shall be made under oath.

3. The department of finance shall issue a certificate of eligibility upon determining that the applicant satisfies the requirements of this title. Such certificate shall state whether the benefits are for residential construction work or a combination of residential construction work and commercial construction work. The effective date of such certificate shall be the date on which a building permit for the construction work is issued by the department of buildings.

§ 489-eeeeee. Reporting requirement; termination of benefits. 1. Upon approval of the department of buildings of the plans submitted in connection with the building permit and any amendments to such plans, the recipient shall file with the department of finance a narrative description of such approved plans describing the residential construction work or combination of residential construction work and commercial construction work for which the recipient seeks benefits pursuant to this title.

2. For the duration of the benefit period, the recipient shall file annually with the department of finance, on or before the taxable status date, a certificate of continuing use. Such certificate of continuing use shall be on a form prescribed by the department of finance. The department of finance shall have the authority to require such information as it deems necessary to enable it to determine whether the recipient has established continuing eligibility for benefits. The department of finance shall have the authority to terminate benefits pursuant to this title upon failure of the recipient to file such certificate by the taxable status date. The burden of proof shall be on the recipient to establish continuing eligibility for benefits and the department of finance shall have the authority to require that statements made in such certificate shall be made under oath.

3. A recipient shall file an amendment to the latest certificate of continuing use prior to (a) converting square footage within property which is the subject of a certificate of eligibility from the residential and commercial uses described in such certificate of

continuing use where such conversion results in twenty-five per centum or less of the aggregate floor area being used or held out for use as commercial, community facility or accessory use space; or (b) converting any portion of property which is the subject of a certificate of eligibility to use for any restricted activity.

4. Not later than eighteen months after the effective date of a certificate of eligibility, with an effective date of July first, nineteen hundred ninety-five or after, the recipient shall present evidence to the department of finance demonstrating that the recipient has made one-half the minimum required expenditure. Not later than thirty-six months after the effective date of such certificate, such recipient shall present evidence to such department demonstrating that the recipient has made the minimum required expenditure. Such evidence shall be presented in the form and manner prescribed by such department. The burden of proof shall be on the recipient to show by clear and convincing evidence that the required expenditures have been made.

§ 489-fffff. Conversion of property. 1. Any recipient whose property is the subject of a certificate of eligibility pursuant to this title, and who converts square footage within such property from the residential and commercial uses authorized pursuant to this title where such conversion results in twenty-five per centum or less of the aggregate floor area of such property being used or held out for use as commercial, community facility or accessory use space, shall cease to be eligible for further exemption as of the last date to which such recipient proves by clear and convincing evidence that more than twenty-five per centum of the aggregate floor area of such property was used or held out for use as commercial, community facility or accessory use space, and shall pay, with interest, any taxes for which an exemption was claimed after such date, including the pro rata share of tax for which any exemption was claimed during the tax year in which twenty-five per centum or less of the aggregate floor area of such property was used or held out for use as commercial, community facility or accessory use space.

2. Any recipient whose property is the subject of a certificate of eligibility pursuant to this title, and who uses such property, or any portion of such property, for any restricted activity prior to the expiration of the benefit period, shall cease to be eligible for further exemption as of the last date to which such recipient proves by clear and convincing evidence that such property, or any portion of such property, was not used for any restricted activity. Such recipient shall pay, with interest, any taxes for which an exemption was claimed after such date, including the pro rata share of tax for which any exemption was claimed during the tax year in which such use occurred.

§ 489-ggggg. Administration of the benefit program. The department of finance of any city having a population of one million or more persons shall have, in addition to any other functions, powers and duties which have been or may be conferred on it by law, the following functions, powers and duties:

1. to publicize the availability of benefits pursuant to this title for residential construction work or a combination of residential construction work and commercial construction work;

2. to receive and review applications for certificates of eligibility and issue such certificates where authorized pursuant to section four hundred eighty-nine-ddddd of this title;

3. to receive evidence of expenditures made for construction, and where such expenditures do not equal the amount required to qualify for exemption from tax payments, to take appropriate action, including, but not limited to, revoking benefits pursuant to this title;

4. to enter and inspect property to determine whether it is mixed-use and to take appropriate action, including, but not limited to, revoking benefits received pursuant to this title, whenever (a) twenty-five per centum or less of the aggregate floor area of such property is being used or held out for use as commercial, community facility or accessory use space, or (b) such property, or any portion of such property, is

being used for a restricted activity;

5. to collect all real property taxes, with interest, due and owing as a result of reduction, suspension, termination or revocation of any exemption from taxes granted pursuant to this title;

6. to make and promulgate rules to carry out the purposes of this title, including, but not limited to, rules requiring applicants to publish notice of their applications, further defining aggregate floor area, commercial purpose or use and residential purpose or use, specifying the nature of work for which expenses may be included in the minimum required expenditure, increasing the minimum required expenditure, provided, however, that any rule increasing the minimum required expenditure shall not apply to any person who is a recipient on the effective date of such rule. Such rules may provide that benefits pursuant to this title shall be reduced, suspended, terminated or revoked if the recipient is found to have failed to cure violations of the applicable building, fire, or air pollution control codes on the property which is the subject of the certificate of eligibility. Such rules shall define the circumstances under which benefits may be reduced, suspended, terminated or revoked for such violations and provide procedures whereby determinations to reduce, suspend, terminate, revoke or reinstate such benefits shall be made. Such rules may provide for reasonable administrative charges or fees necessary to defray expenses in administering the benefit program provided by this title;

7. if, during the benefit period, any real property tax or water or sewer charges due and payable with respect to property receiving an exemption pursuant to this title shall remain unpaid for at least one year following the date upon which such tax or charge became due and payable, all exemptions granted pursuant to this title with respect to such property shall be revoked unless within thirty days from the mailing of a notice of revocation by the department of finance satisfactory proof is presented to the department of finance that any and all delinquent taxes and charges owing with respect to such property as of the date of such notice have been paid in full or are currently being paid in timely installments pursuant to a written agreement with

the department of finance or other appropriate agency. Any revocation pursuant to this subdivision shall be effective with respect to real property tax which became due and payable following the date of such revocation.

§ 489-hhhhh. Tax lien; interest rate. All taxes plus interest required to be paid retroactively pursuant to this title shall constitute a tax lien as of the date it is determined such taxes and interest are owed. All interest shall be calculated from the date the taxes would have been due but for the exemption claimed pursuant to this title at three per centum above the applicable rate of interest imposed by such city generally for non-payment of real property tax with respect to such property for the period in question.

§ 489-iiiii. Penalties for non-compliance, false statements and omissions. 1. The department of finance may deny, reduce, suspend, terminate or revoke any exemption from tax payments pursuant to this title whenever (a) a recipient fails to comply with the requirements of this title or the rules promulgated hereunder; or (b) an application, certificate or other document submitted by an applicant or recipient pursuant to the requirements of this title or the rules promulgated hereunder contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statements therein not false or misleading. The department of finance may declare any applicant or recipient referred to in paragraph (a) or (b) of this subdivision to be ineligible for future exemption pursuant to this title for the same or other property.

2. Notwithstanding any other law to the contrary, a recipient shall be personally liable for any taxes owed pursuant to this title whenever such recipient fails to comply with this title or the rules promulgated hereunder or makes such false or misleading statement or omission, and the department of finance determines that such act was due to the recipient's willful neglect, or that under the circumstances such act constituted a fraud on the department of finance or a buyer or

prospective buyer of the property. The remedy provided herein for an action in personam shall be in addition to any other remedy or procedure for the enforcement of collection of delinquent taxes provided by any general, special or local law. Any lease provision which obligates a tenant to pay taxes which become due because of willful neglect or fraud by the recipient, or otherwise relieves or indemnifies the recipient from any personal liability arising hereunder, shall be void as against public policy except where the imposition of such taxes or liability is occasioned by actions of the tenant in violation of the lease.

TITLE 2-F

ABATEMENT OF TAX PAYMENTS FOR CERTAIN INDUSTRIAL AND COMMERCIAL PROPERTIES IN A CITY OF ONE MILLION OR MORE PERSONS

Section 489-aaaaaa. Definitions.

489-bbbbbbb. Power to enact local law; industrial and commercial real property tax abatement.

489-ccccccc. Eligibility for benefits.

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489-gggggg. Temporary commercial incentive area boundary commission; designation of special commercial abatement areas; excluded and renovation areas.

489-hhhhhh. Administration of the benefit program.

489-iiiiiii. Code violations; suspension, termination or revocation of benefits.

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§ 489-aaaaaa. Definitions. When used in this title:

1. "Commercial construction work" means the construction of a new building or structure or the modernization, rehabilitation, expansion or

improvement of an existing building or structure for use as commercial property.

2. "Commercial exclusion area" means an area as defined in subdivision four of section four hundred eighty-nine-gggggg of this title.

3. "Commercial property" means nonresidential property on which will exist after completion of commercial construction work a building or structure, or portion thereof, used for the buying, selling or otherwise providing of goods or services including hotel services, or for other lawful business, commercial or manufacturing activities; provided that property or portions of property dedicated to utility property shall not be considered commercial property for purposes of this title.

4. "Commissioner" means the commissioner of finance of a city that has enacted a local law pursuant to this title.

5. "Completion of construction," or "completion," when relating to new construction, means the earlier of the date on which the department of buildings of a city that has enacted a local law pursuant to this title issues a final certificate of occupancy, or when the department of finance has otherwise determined that construction is complete.

6. "Department" means the department of finance of a city that has enacted a local law pursuant to this title.

7. "Industrial construction work" means the construction of a new building or structure or the modernization, rehabilitation, expansion or improvement of an existing building or structure for use as industrial property.

8. "Industrial property" means nonresidential property on which will exist after completion of industrial construction work a building or structure, or portion thereof, with at least seventy-five percent of the total net square footage of the property used or immediately available and held out for manufacturing activities involving assembling goods or the fabrication or processing of raw materials; provided that property

or portions of property dedicated to utility property shall not be considered industrial property for purposes of this title.

9. "Manufacturing activity" means an activity involving the assembly of goods or the fabrication or processing of raw materials, but shall not include: (a) such activity when conducted for the purpose of retail sale on the premises; or (b) utility services.

10. "Minimum required expenditure" means the amount that an applicant must expend on construction work for a project in order to qualify for benefits as provided in this title.

11. "Mixed-use property" means property on which exists, or will exist upon completion of construction work, a building or structure used for both residential and nonresidential purposes.

12. "Renovation construction work" means the modernization, rehabilitation, expansion or improvement of an existing building or structure where such modernization, rehabilitation, expansion or improvement is physically and functionally integrated with the existing building or structure, or portion thereof, does not increase the bulk of the existing building or structure by more than thirty percent, and does not increase the height of the existing building or structure by more than thirty percent.

13. "Residential construction work" means any construction, modernization, rehabilitation, expansion or improvement of dwelling units other than dwelling units in a hotel.

14. "Restricted activity" means any entertainment activity that the department has identified in rules promulgated pursuant to a local law enacted pursuant to this title as an activity which, in the public interest, should not be encouraged through the benefits of this title.

15. "Retail purposes" means any activity that consists predominately of (a) the final sale of tangible personal property or services by a vendor as defined in section eleven hundred one of the tax law, (b) the

sale of services that generally involve the physical, mental, and/or spiritual care of individuals or the physical care of the personal property of individuals, (c) retail banking services, or (d) the final sale of food and/or beverage by a vendor as defined in section eleven hundred one of the tax law, including the assembly, processing or packaging of goods, provided that sales of such tangible personal property or services are predominantly to purchasers who personally visit the facilities at which such sales are made or such property and services are provided. "Retail purposes" shall not include hotel uses as described in subdivision four of section four hundred eighty-nine-cccccc of this title.

16. "Temporary commercial incentive area boundary commission" means a commission as defined in section four hundred eighty-nine-gggggg of this title.

17. "Utility property" means property and equipment as described in paragraphs (c), (d), (e), (f) and (i) of subdivision twelve of section one hundred two of this chapter that is used in the ordinary course of business by its owner or any other entity or property as described in paragraphs (a) and (b) of subdivision twelve of section one hundred two of this chapter that is owned by any entity that uses in the ordinary course of business property and equipment as described in paragraphs (c), (d), (e), (f) and (i) of subdivision twelve of section one hundred two of this chapter, without regard to the classification of such property and equipment for real property tax purposes pursuant to section eighteen hundred two of this chapter, except that any such property and equipment used solely to serve the building to which they are attached shall not be deemed utility property. Notwithstanding any provision of this title to the contrary, peaking units shall not be considered utility property. For purposes of this title, "peaking unit" shall mean a generating unit that: (a) is determined by the New York independent system operator or a federal or New York state energy regulatory commission to constitute a peaking unit as set forth in section 5.14.1.2 of the New York independent system operator's market administration and control area services tariff, as such term existed as of April first, two thousand eleven; or (b) has an annual average

operation, during the calendar year preceding the taxable status date, of less than eighteen hours following each start of the unit; for purposes of calculating the annual average, operations during any period covered by any major emergency declaration issued by the New York independent system operator, northeast power coordinating council, or other similar entity shall be excluded. A "peaking unit" under this title shall include all real property used in connection with the generation of electricity, and any facilities used to interconnect the peaking unit with the electric transmission or distribution system, but shall not include any facilities that are part of the electric transmission or distribution system; it may be comprised of a single turbine and generator or multiple turbines and generators located at the same site. Notwithstanding any provision of this title to the contrary, a peaking unit shall be considered industrial property, provided however that the benefit period for a peaking unit shall be as set forth in paragraph (b-1) of subdivision three of section four hundred eighty-nine-bbbbbb of this title.

§ 489-bbbbbb. Power to enact local law; industrial and commercial real property tax abatement. 1. Authority to enact local law. Any city having a population of one million or more, acting through its local legislative body, is authorized and empowered to determine that incentives in the form of abatement of real property taxes are necessary to encourage industrial and commercial development in such city and to enact a local law providing that such benefits shall be provided in the manner set forth in this title.

2. Amount of abatement base. (a) Calculation of abatement base. Except as provided in paragraph (e) of subdivision three of this section, the abatement base used to determine the amount of the abatement provided under this title shall be the amount by which the post-completion tax on a building or structure exceeds one hundred fifteen percent of the initial tax levied on a building or structure.

(b) Initial tax on building or structure. (i) Determination of initial tax. The initial tax shall be determined by multiplying the final taxable assessed value, without regard to any exemptions, shown on the

assessment roll with a taxable status date immediately preceding the issuance of the first building permit by the initial tax rate. For purposes of this subdivision, the initial tax rate shall be the final tax rate applicable to the assessment roll with a taxable status date immediately preceding the issuance of the first building permit. If no permit was required, the initial tax and the initial tax rate shall be determined based on the assessment roll with a taxable status date immediately preceding the commencement of construction.

(ii) Effect of tax lot apportionment or merger. For a property as to which an applicant has applied for benefits pursuant to this title, if such property is apportioned or merged and such apportionment or merger is not reflected in the assessment roll described in subparagraph (i) of this paragraph, the initial tax for the newly created tax lot or lots shall be based on the initial tax of the lot or lots from which they have been created, which shall be apportioned among the newly created tax lot or lots in the manner established by the department for purposes of assessed valuation of real property.

(c) Post-completion tax on building or structure. For purposes of calculating the abatement base only, the post-completion tax is determined by multiplying the initial tax rate by the final taxable assessed value, without regard to any exemptions, that would be shown on the assessment roll but for the abatement, on the assessment roll with a taxable status date immediately following the earlier of:

(i) completion of construction; or

(ii) four years from the date of issuance of the first building permit, or if no permit was required, the commencement of construction.

(d) (i) If the taxable assessed value is later reduced by a court order or application to the tax commission, then the initial tax or the post-completion tax shall be the tax as reduced.

(ii) The taxable assessed value used for the calculations in this subdivision shall be the lower of the actual and transitional value as provided in subdivision three of section eighteen hundred five of this chapter.

(e) Mixed-use property. For a mixed-use property, the initial tax and post-completion tax shall be apportioned between the residential and nonresidential portions. The department may promulgate rules to determine the method of apportionment.

(f) Initial taxes not to be reduced by abatement. Except as provided in paragraph (e) of subdivision three of this section, the abatement provided under this title shall not be applicable in any year of the benefit period to the initial tax or to the tax on the portion of the assessment attributable to land. Additionally, the abatement shall not result in any credit or refund of real property taxes.

3. Industrial and commercial abatements. (a) Abatement for commercial construction work. Upon approval by the department of a final application for benefits, an applicant who has performed commercial construction work outside of a special commercial abatement area, as designated pursuant to subdivision two of section four hundred eighty-nine-gggggg of this title, or a renovation area, as defined by subdivision three of section four hundred eighty-nine-gggggg of this title, shall be eligible for an abatement of real property taxes, as follows:

(i) Amount of abatement. The first year of the abatement shall be the tax year with the first taxable status date that follows the sooner of (A) completion of construction; or (B) four years from the date the first building permit was issued, or if no permit was required, the commencement of construction. For years one through eleven, the abatement shall be the amount of the abatement base. For years twelve through fifteen, the abatement shall decrease by twenty percent each year. The following table illustrates the abatement computation:

Tax year during benefit period:

Amount of abatement:

Years 1 through 11	100% of abatement base
12	80% of abatement base
13	60% of abatement base
14	40% of abatement base
15	20% of abatement base

(ii) Minimum required expenditure. For commercial construction work, the minimum required expenditure is thirty percent of the property's taxable assessed value in the tax year with a taxable status date immediately preceding the issuance of the first building permit, or if no permit was required, the commencement of construction. Expenditures for residential construction work or construction work on portions of

property to be used for restricted activities shall not be included in the minimum required expenditure.

(b) Abatement for industrial construction work or commercial construction work in special commercial abatement areas on buildings where not more than ten percent of the building or structure is used for retail purposes. Upon approval by the department of a final application for benefits, an applicant who has performed industrial construction work in any area, where not more than ten percent of the building or structure on which such work has been performed is used for retail purposes, or commercial construction work in a special commercial abatement area, as designated pursuant to subdivision two of section four hundred eighty-nine-gggggg of this title, where not more than ten percent of the building or structure on which such work has been performed is used for retail purposes, shall be eligible for an abatement of real property taxes, as follows:

(i) Amount of abatement. The first year of the abatement shall be the tax year with the first taxable status date that follows the sooner of (A) completion of construction; or (B) four years from the date the first building permit was issued, or if no permit was required, the commencement of construction. For years one through sixteen, the abatement shall be the amount of the abatement base. The abatement shall be adjusted for inflation protection as provided in subparagraph (ii) of this paragraph. For years seventeen through twenty-five, the abatement shall decrease by ten percent each year. The following table illustrates the abatement computation:

Tax year during benefit period:	Amount of abatement:
Years 1 through 16	100% of abatement base
17	90% of abatement base
18	80% of abatement base
19	70% of abatement base
20	60% of abatement base
21	50% of abatement base
22	40% of abatement base
23	30% of abatement base
24	20% of abatement base
25	10% of abatement base

(ii) Inflation protection. (A) Industrial construction work. (I) Effect of assessed valuation increases. For years two through thirteen of the benefit period, except as provided in item (II) of this clause, if there is any increase in tax in that year that is based on an increase of taxable assessed valuation since the immediately prior tax year, such excess tax liability shall be added to the amount of the abatement base. Such addition to the amount of the abatement base shall be determined using the initial tax rate.

(II) Physical increases. Notwithstanding the provisions of item (I) of this clause, if in any of years two through thirteen of the benefit period, a physical change to the property results in an increase in the taxable assessed value of the property of more than five percent for that year, then any increase in taxes for that year shall not be added to the amount of the abatement base in any year.

(III) If the taxable assessed value upon which an adjustment to the abatement under this paragraph is based is later reduced by a court order or application to the tax commission, then the appropriate adjustment to the abatement base shall be made in accordance with the reduced taxable assessed value.

(B) Commercial construction work in special commercial abatement areas on buildings where not more than ten percent of the building or structure is used for retail purposes. (I) Effect of assessed valuation increases. For years two through thirteen of the benefit period, except as provided in item (II) of this clause, if there is any increase in tax in that year that is based on an increase of taxable assessed valuation since the immediately prior tax year that exceeds five percent, such excess tax liability shall be added to the amount of the abatement base. Such addition to the amount of the abatement base shall be determined using the initial tax rate.

(II) Physical increases. Notwithstanding the provisions of item (I) of this clause, if in any of years two through thirteen of the benefit period, a physical change to the property results in an increase in the taxable assessed value of the property of more than five percent for that year, then any increase in taxes for that year shall not be added to the amount of the abatement base in any year.

(III) If the taxable assessed value upon which an adjustment to the abatement under this paragraph is based is later reduced by a court

order or application to the tax commission, then the appropriate adjustment to the abatement base shall be made in accordance with the reduced taxable assessed value.

(C) Mixed-use property. For a property as to which benefits are given for both industrial and commercial construction, the inflation protection provided under this subparagraph shall be based on the predominant use of the property as determined by the department.

(iii) Minimum required expenditure. For industrial construction work or commercial construction work in a special commercial abatement area, the minimum required expenditure is thirty percent of the property's taxable assessed value in the tax year with a taxable status date immediately preceding the issuance of the first building permit, or if no permit was required, the commencement of construction. Expenditures for residential construction work or construction work on portions of property to be used for restricted activities shall not be included in the minimum required expenditure.

(b-1) Abatement for industrial construction work on a peaking unit. Upon approval by the department of a final application for benefits, an applicant who has performed industrial construction work in any area on a peaking unit, shall be eligible for an abatement of real property taxes, as follows:

(i) Amount of abatement. The first year of the abatement shall be the tax year with the first taxable status date that follows the sooner of (A) completion of construction; or (B) four years from the date the first building permit was issued, or if no permit was required, the commencement of construction. For years one through fifteen, the abatement shall be the amount of the abatement base. The abatement shall be adjusted for inflation protection as provided in subparagraph (ii) of this paragraph. The following table illustrates the abatement computation:

Tax year during benefit period:	Amount of abatement:
Years 1 through 15	100% of abatement base

(ii) Inflation protection. (A) Industrial construction work, effect of assessed valuation increases. For years two through thirteen of the benefit period, except as provided in clause (B) of this subparagraph, if there is any increase in tax in that year that is based on an increase of taxable assessed valuation since the immediately prior tax

year, such excess tax liability shall be added to the amount of the abatement base. Such addition to the amount of the abatement base shall be determined using the initial tax rate.

(B) Physical increases. Notwithstanding the provisions of clause (A) of this subparagraph, if in any of years two through thirteen of the benefit period, a physical change to the property results in an increase in the taxable assessed value of the property of more than five percent for that year, then any increase in taxes for that year shall not be added to the amount of the abatement base in any year.

(C) If the taxable assessed value upon which an adjustment to the abatement under this paragraph is based is later reduced by a court order or application to the tax commission, then the appropriate adjustment to the abatement base shall be made in accordance with the reduced taxable assessed value.

(iii) Minimum required expenditure. For industrial construction work on a peaking unit, the minimum required expenditure is thirty percent of the property's taxable assessed value in the tax year with a taxable status date immediately preceding the issuance of the first building permit, or if no permit was required, the commencement of construction. Expenditures for residential construction work or construction work on portions of property to be used for restricted activities shall not be included in the minimum required expenditure.

(c) Abatement for industrial construction work or commercial construction work in special commercial abatement areas on buildings where more than ten percent of the building or structure is used for retail purposes. Upon approval by the department of a final application for benefits, an applicant who has performed industrial construction work in any area, where more than ten percent of the building or structure on which such work has been performed is used for retail purposes, or commercial construction work in a special commercial abatement area, as designated pursuant to subdivision two of section four hundred eighty-nine-gggggg of this title, where more than ten percent of the building or structure on which such work has been performed is used for retail purposes, shall be eligible for an abatement of real property taxes on the non-retail portion of such building or structure and up to ten percent of such building or structure used for retail purposes, in accordance with paragraph (b) of

this subdivision, and shall be eligible for an abatement of real property taxes on the remaining retail portion of such building or structure, as follows:

(i) Amount of abatement. The first year of the abatement shall be the tax year with the first taxable status date that follows the sooner of (A) completion of construction; or (B) four years from the date the first building permit was issued, or if no permit was required, the commencement of construction. For years one through eleven, the abatement shall be the amount of the abatement base. For years twelve through fifteen, the abatement shall decrease by twenty percent each year. The abatement shall be adjusted for inflation protection as provided in subparagraph (ii) of this paragraph. The following table illustrates the abatement computation:

Tax year during benefit period:	Amount of abatement:
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Years 1 through 11	100% of abatement base
12	80% of abatement base
13	60% of abatement base
14	40% of abatement base
15	20% of abatement base

(ii) Inflation protection. (A) Industrial construction work. (I) Effect of assessed valuation increases. For years two through thirteen of the benefit period, except as provided in item (II) of this clause, if there is any increase in tax in that year that is based on an increase of taxable assessed valuation since the immediately prior tax year, such excess tax liability shall be added to the amount of the abatement base. Such addition to the amount of the abatement shall be determined using the initial tax rate.

(II) Physical increases. Notwithstanding the provisions of item (I) of this clause, if in any of years two through thirteen of the benefit period, a physical change to the property results in an increase in the taxable assessed value of the property of more than five percent for that year, then any increase in taxes for that year shall not be added to the amount of the abatement base in any year.

(III) If the taxable assessed value upon which an adjustment to the abatement under this paragraph is based is later reduced by a court order or application to the tax commission, then the appropriate

adjustment to the abatement base shall be made in accordance with the reduced taxable assessed value.

(B) Commercial construction work in special commercial abatement areas on buildings where more than ten percent of the building or structure is used for retail purposes. (I) Effect of assessed valuation increases. For years two through thirteen of the benefit period, except as provided in item (II) of this clause, if there is any increase in tax in that year that is based on an increase of taxable assessed valuation since the immediately prior tax year that exceeds five percent, such excess tax liability shall be added to the amount of the abatement base. Such addition to the amount of the abatement base shall be determined using the initial tax rate.

(II) Physical increases. Notwithstanding the provisions of item (I) of this clause, if in any of years two through thirteen of the benefit period, a physical change to the property results in an increase in the taxable assessed value of the property of more than five percent for that year, then any increase in taxes for that year shall not be added to the amount of the abatement base in any year.

(III) If the taxable assessed value upon which an adjustment to the abatement under this paragraph is based is later reduced by a court order or application to the tax commission, then the appropriate adjustment to the abatement base shall be made in accordance with the reduced taxable assessed value.

(C) Mixed-use property. For a property as to which benefits are given for both industrial and commercial construction, the inflation protection provided under this subparagraph shall be based on the predominant use of the property as determined by the department.

(iii) Minimum required expenditure. For industrial construction work or commercial construction work in a special commercial abatement area, the minimum required expenditure is thirty percent of the property's taxable assessed value in the tax year with a taxable status date immediately preceding the issuance of the first building permit, or if no permit was required, the commencement of construction. Expenditures for residential construction work or construction work on portions of property to be used for restricted activities shall not be included in the minimum required expenditure.

(d) Abatement for renovation construction work in renovation areas.

Subject to the provisions of subparagraph (iii) of this paragraph, upon approval by the department of a final application for benefits, an applicant who has performed renovation construction work in a renovation area, as defined by subdivision three of section four hundred eighty-nine-gggggg of this title, shall be eligible for an abatement of real property taxes, as follows:

(i) Amount of abatement. For the renovation areas defined in paragraphs (a) and (b) of subdivision three of section four hundred eighty-nine-gggggg of this title, the first year of the abatement shall be the tax year with the first taxable status date that follows the sooner of (A) completion of construction; or (B) four years from the date the first building permit was issued, or if no permit was required, the commencement of construction. For years one through eight, the abatement shall be the amount of the abatement base. For years nine through twelve, the abatement shall decrease by twenty percent each year. The following table illustrates the abatement computation:

Tax year during benefit period:	Amount of abatement:
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Years 1 through 8	100% of abatement base
9	80% of abatement base
10	60% of abatement base
11	40% of abatement base
12	20% of abatement base

(ii) Amount of abatement. For the renovation area defined in paragraph (c) of subdivision three of section four hundred eighty-nine-gggggg of this title, the first year of the abatement shall be the tax year with the first taxable status date that follows the sooner of (A) completion of construction; or (B) four years from the date the first building permit was issued, or if no permit was required, the commencement of construction. For years one through five, the abatement shall be the amount of the abatement base. For years six through nine, the abatement shall decrease by twenty percent each year. In year ten, the abatement shall be twenty percent of the abatement base. The following table illustrates the abatement computation:

Tax year during benefit period:	Amount of abatement:
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Years 1 through 5	100% of abatement base
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6	80% of abatement base
7	60% of abatement base
8	40% of abatement base
9	20% of abatement base
10	20% of abatement base

(iii) If more than five percent of any building or structure upon which renovation construction work is performed is used for retail purposes, no abatement shall be granted for the retail portions of such building or structure in excess of five percent, but five percent of such building or structure used for retail purposes shall be eligible for an abatement of real property taxes in accordance with subparagraph (i) or subparagraph (ii) of this paragraph, as applicable; provided, however, that notwithstanding any other provision of this title, any building or structure located in the renovation area defined in paragraph (a) of subdivision three of section four hundred eighty-nine-gggggg of this title shall be eligible for an abatement in accordance with subparagraph (i) of this paragraph regardless of the amount of the building or structure used for retail purposes.

(iv) Minimum required expenditure. For renovation construction work in renovation areas, the minimum required expenditure is thirty percent of the property's taxable assessed value in the tax year with a taxable status date immediately preceding the issuance of the first building permit, or if no permit was required, the commencement of construction. Expenditures for construction work on portions of the property to be used for retail purposes that exceed five percent of the building or structure in renovation areas defined in paragraphs (b) and (c) of subdivision three of section four hundred eighty-nine-gggggg of this title, for residential construction work, or for construction work on portions of the property to be used for restricted activities, shall not be included in the minimum required expenditure.

(e) Additional industrial abatement. In addition to the abatement for industrial construction work provided in paragraph (b) of this subdivision, an applicant who performs industrial construction work that meets the eligibility requirements set forth in this title shall be eligible for an additional abatement, calculated as a percentage of the initial tax, as follows:

(i) Amount of abatement. The first year of the abatement shall be the

tax year with the first taxable status date that follows the sooner of (A) completion of construction; or (B) four years from the date the first building permit was issued, or if no permit was required, the commencement of construction. The amount of the additional industrial abatement shall be as follows:

Tax year during benefit period:	Amount of additional abatement:
1 through 4	50% of the initial tax amount
5	40% of the initial tax amount
6	40% of the initial tax amount
7	30% of the initial tax amount
8	30% of the initial tax amount
9	20% of the initial tax amount
10	20% of the initial tax amount
11	10% of the initial tax amount
12	10% of the initial tax amount

(ii) Minimum required expenditure. For the additional industrial abatement, the minimum required expenditure is forty percent of the property's taxable assessed value in the tax year with a taxable status date immediately preceding the issuance of the first building permit, or if no permit was required, the commencement of construction.

Expenditures for residential construction work or construction work on portions of property to be used for restricted activities shall not be included in the minimum required expenditure.

(f) Abatement for commercial construction work on new construction in certain areas of the borough of Manhattan. Notwithstanding any other provision of law, upon approval by the department of a final application for benefits, an applicant who has performed commercial construction work on a new building or structure, in the geographical area as specified in subparagraph (iv) of this paragraph, shall be eligible for an abatement of real property taxes, as follows:

(i) Amount of abatement. The first year of the abatement shall be the tax year with the first taxable status date that follows the sooner of (A) completion of construction; or (B) four years from the date the first building permit was issued, or if no permit was required, the commencement of construction. For years one through four, the abatement shall be the amount of the abatement base. For years five through eight,

the abatement shall decrease by twenty percent each year. The following table illustrates the abatement computation:

Tax year during benefit period: Amount of abatement:

Years 1 through 4	100% of abatement base
5	80% of abatement base
6	60% of abatement base
7	40% of abatement base
8	20% of abatement base

(ii) Minimum required expenditure. The minimum required expenditure is thirty percent of the property's taxable assessed value in the tax year with a taxable status date immediately preceding the issuance of the first building permit, or if no permit was required, the commencement of construction. Expenditures for residential construction work or construction work on portions of property to be used for restricted activities shall not be included in the minimum required expenditure.

(iii) Special eligibility requirements. Notwithstanding any other provision of this title, no benefits shall be granted pursuant to this paragraph unless the building or structure meets the requirements of clauses (A) and (B) of this subparagraph, and further meets at least two of the requirements set forth in clauses (C) through (G) of this subparagraph:

(A) The height of at least forty percent of the floors in such building or structure shall be not less than twelve feet, nine inches measured from the top of the slab comprising the floor to the bottom of the slab comprising the ceiling;

(B) Such building or structure shall be served by fiber-optic telecommunications wiring and shall contain vertical penetrations for the distribution of fiber optic cabling to individual tenants on each floor;

(C) The total square footage of such building or structure is not less than five hundred thousand gross square feet;

(D) A minimum of two hundred thousand gross square feet or twenty-five per centum of such building or structure is comprised of floors of not less than forty thousand gross square feet;

(E) At least ten per centum of the gross square footage of such building or structure is comprised of floors that contain no more than

eight structural columns, excluding any columns within the core or on the periphery of such building or structure;

(F) The electrical capacity of such building or structure is not less than six watts per net square foot;

(G) Emergency backup power sufficient to accommodate a need of six watts per net square foot is available in at least two hundred thousand gross square feet or twenty-five per centum of such building or structure.

(iv) Geographical area. Abatements will only be granted for new construction work pursuant to this paragraph in the following geographical area: the area in the borough of Manhattan bounded by Murray Street on the north starting at the intersection of West Street and Murray Street; running easterly along the center line of Murray Street; connecting through City Hall Park with the center line of Frankfort Street and running easterly along the center line of Frankfort and Dover Streets to the intersection of Dover Street and South Street; running southerly along the center line of South Street to Peter Minuit Plaza; connecting through Peter Minuit Plaza to the center line of State Street and running northwesterly along the center line of State Street to the intersection of State Street and Battery Place; running westerly along the center line of Battery Place to the intersection of Battery Place and West Street; and running northerly along the center line of West Street to the intersection of West Street and Murray Street, except the area in the borough of Manhattan bounded by Church Street on the east starting at the intersection of Liberty Street and Church Street; running northerly along the center line of Church Street to the intersection of Church Street and Vesey Street; running westerly along the center line of Vesey Street to the intersection of Vesey Street and West Broadway; running northerly along the center line of West Broadway to the intersection of West Broadway and Barclay Street; running westerly along the center line of Barclay Street to the intersection of Barclay Street and Washington Street; running southerly along the center line of Washington Street to the intersection of Washington Street and Vesey Street; running westerly along the center line of Vesey Street to the intersection of Vesey Street and West Street; running southerly along the center line of West Street to the intersection of West Street and Liberty Street; and running easterly along the center line of

Liberty Street to the intersection of Liberty Street and Church Street.

4. Limitations on abatement. (a) Subsequent abatement. With respect to any property that has received or is receiving abatement benefits under this title, an applicant shall not file a preliminary application for new abatement benefits under this title for an additional construction project on the same portion of the property for which construction work is the subject of abatement benefits under this title until at least four years have elapsed since the first day of the first tax year of such abatement benefits under the prior abatement, and, in the event that such new benefits are granted, then notwithstanding any other provision of this title or any other law, the initial tax for any such new abatement will be determined without regard to the prior abatement and any other abatement or exemption granted to the property.

(b) Abatement benefits granted under this title shall not in any year exceed the real property taxes imposed on such property.

(c) Once an abatement is granted, no additional benefits pursuant to this title shall be granted for construction work that is substantively a part of eligible construction work for which benefits have been approved or granted.

(d) No benefits shall be granted for residential construction work.

(e) Any parcel partly located in an excluded area shall be deemed to be entirely located in such area.

(f) Where a tax lot contains multiple structures or buildings with eligible and non-eligible uses, the initial tax shall be apportioned under rules promulgated by the commissioner and only the tax attributable to the eligible portion of the property shall be abated.

(g) (i) No benefits under this title may be received by a property that is concurrently receiving exemption or abatement of real property taxes under any other law, except for an exemption under (A) section four hundred twenty-a, four hundred twenty-b or four hundred fifty-nine-b of this chapter; or (B) any section of this chapter as to which a city that has enacted a local law pursuant to this title has also enacted a local law to implement such exemption and as to which exemption is granted only if the property is the primary or legal residence of one or more of the owners of the property, including such sections in which exemption may be granted if an owner is absent from

the residence while receiving medical benefits; or (C) title two-D of this article for a separate project involving separate parts of the building or structure that was completed prior to the application for benefits.

(ii) For purposes of this paragraph, "property" means the real property contained by an individual tax lot.

(iii) Notwithstanding subparagraph (ii) of this paragraph, where a property is owned in condominium form, and an application for benefits under this title includes more than one tax lot in the same condominium, then for purposes of this paragraph, "property" shall include any or all such tax lots that are included in the application.

§ 489-cccccc. Eligibility for benefits. 1. Time limit for meeting minimum required expenditure. Applicants must meet the appropriate minimum required expenditure as provided in subdivision three of section four hundred eighty-nine-bbbbbbb of this title relating to the abatement for which such project qualifies as follows:

(a) No later than four years from the date of issuance of the first building permit, or if no permit was required, the commencement of construction.

(b) Mixed use properties. Expenditures for construction work related to the common areas and systems of such property shall be allocated under rules promulgated by the department between the residential, nonresidential and retail, if any, portions of the property.

2. Time limit for completion of construction. Construction of buildings or structures for which benefits have been approved shall be completed no later than five years from the date of issuance of the first building permit, or if no permit was required, the commencement of construction. Failure to meet this requirement shall result in termination of any inflation protection provided under subdivision three of section four hundred eighty-nine-bbbbbbb of this title for any tax year that begins following the date by which completion of construction is required under this paragraph.

3. Non-permissible uses. To be eligible for benefits, the property may

not be used for a non-permissible purpose. Accordingly, no abatement benefits under this title shall be granted for work to be performed on property to be used for the following purposes:

(a) Residential. No abatement benefits under this title shall be granted for construction work for residential purposes, or for work on a structure or building where twenty percent or more of the total rentable square footage of such property is or will be dedicated to residential purposes, provided however that where less than five percent of a property's rentable square footage is or will be dedicated to residential purposes, that use shall be considered de minimus and shall not be considered in determining benefits under this title.

(i) For purposes of this paragraph, "property" means the real property contained by an individual tax lot.

(ii) Notwithstanding subparagraph (i) of this paragraph, where a building or structure is owned in condominium form, and an application for benefits under this title includes more than one property in the same condominium, then for purposes of this paragraph, the five percent and twenty percent of the rentable square footage shall be determined based on the aggregate usage of all such properties.

(iii) Hotel uses, as described in subdivision four of this section, shall not be considered residential.

(b) Utility property. No abatement benefits under this title shall be provided for utility property.

(c) Restricted activity. No benefits pursuant to this title shall be granted for construction work on property any part of which is to be used for a restricted activity.

(d) Self-storage facilities. For purposes of this title, "self-storage facility" shall mean any real property or a portion thereof that is designed and used for the purpose of occupying storage space by occupants who are to have access thereto for the purpose of storing and removing personal property, pursuant to subdivision one of section one hundred eighty-two of the lien law. No benefits shall be granted pursuant to this title for construction work on real property where any portion of such property is to be used as a self-storage facility.

(e) Parking facility. No benefits shall be granted pursuant to this title for construction work on real property where any portion of such property is to be used as a parking facility, except where a parking

facility is associated with residential construction work on a separate tax lot, as described in rules of the commissioner, and such residential construction work is subject to financial assistance from the local housing agency of a city that has enacted a local law pursuant to this title. For the purposes of this paragraph, the term "financial assistance" means loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, and land conveyances for less than appraised value provided in accordance with a regulatory agreement entered into with such local housing agency, except that "financial assistance" shall not include as-of-right assistance or benefits. For the purposes of this title, "parking facility" means any real property or portion thereof in a city on which exists a facility operated in a manner that requires a license for the operation of a garage or parking lot issued by the consumer and worker protection agency of such city.

(f) Storage warehouse. No benefits shall be granted pursuant to this title for construction work on real property where any portion of such property is to be used as a storage warehouse. For the purposes of this title, "storage warehouse" means any real property or portion thereof in a city on which exists a building or structure which a consumer's household goods are received for storage for compensation, except warehouses in which such goods are stored by or on behalf of a merchant for resale or other use in the course of the merchant's business, operated in a manner that requires a license for the operation of a storage warehouse issued by the consumer and worker protection agency of such city.

4. Hotel uses. Benefits shall be available for commercial construction work or renovation construction work on a building or structure for the property's square footage used to provide lodging and support services for transient guests, provided the applicant is not otherwise disqualified pursuant to paragraph (c) of subdivision five of this section, or section four hundred eighty-nine-eeeeee or four hundred eighty-nine-iiiiii of this title.

5. Filing requirements. (a) Time to file. (i) Preliminary application. (A) Building permit. No benefits pursuant to this title shall be granted for any construction work unless the applicant filed a preliminary

application for such benefits on or before the date of issuance of the first building permit for such work. This requirement may be satisfied where the applicant's architect, contractor or other representative authorized to file the application for such building permit files with the department on behalf of the applicant a preliminary application containing such information as the department shall prescribe by rule.

(B) No building permit required. Where construction work does not require a building permit, a notarized letter from the project's architect or engineer notifying the department of this fact shall be filed within thirty calendar days of the commencement of construction. In such circumstance, such letter shall also satisfy the requirement of a preliminary application if the letter contains all of the information required for a preliminary application under rules prescribed by the department.

(ii) Final application. Applicants shall file a final application for benefits no later than one year from the date of issuance of the first building permit for construction work, or, where construction work does not require a building permit, no later than one year from the date of commencement of construction. Abatement benefits shall not be granted until the applicant files the final application. If the final application is not filed within such one year period, abatement benefits shall not be granted until such application is filed, and the department may delay the granting of such benefits, at the department's discretion, to investigate the reason for the late filing.

(iii) Notwithstanding any provision of law to the contrary, the time limit to file a final application for benefits as specified in subparagraph (ii) of this paragraph shall not apply to brand-new construction from the ground up located on property purchased from the city of New York where such property which is the site of the new construction was purchased from the city of New York for the purposes of an eligible development pursuant to this article and where the sales agreement with the city of New York for such property includes a restriction preventing the sale or transfer of such property for a period of five years or more and where the first valuation and assessment for the purposes of property taxes occurred within that period of restriction from sale, provided the project meets the other requirements of this title.

(b) Who may file for benefits. An applicant shall be:

(i) obligated to pay real property tax on the property, either by virtue of ownership or contract; or

(ii) the record owner or lessee of property that is exempt from real property taxation who has entered into an agreement to sell or lease such property to another person. Such applicant shall be a co-applicant with such owner or lessee.

(c) Applicant affidavit. No benefits pursuant to this title shall be granted for any construction work unless the applicant provides, together with the final application, an affidavit setting forth the following information:

(i) a statement that within the seven years immediately preceding the date of the preliminary application for benefits, neither the applicant, nor any person owning a substantial interest in the property as defined in subparagraph (iii) of this paragraph, nor any officer, director or general partner of the applicant or such person was finally adjudicated by a court of competent jurisdiction to have violated section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another state with respect to any building, or finally adjudicated by a competent authority, agency, or a court of competent jurisdiction to have violated any state, city, or municipal business regulations or ordinances related to payment of taxes, payment of wages, or fraudulent representation to governmental entities, or was an officer, director or general partner of a person at the time such person was finally adjudicated to have violated such state, city, or municipal laws, business regulations, and ordinances related to payment of taxes, payment of wages, or fraudulent representation to governmental entities; and

(ii) a statement setting forth any pending charges alleging violation of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction with respect to any building and pending charges alleging violation of state, city, or municipal business regulations or ordinances related to payment of taxes, payment of wages, or fraudulent representation to governmental entities by the applicant or any person owning a substantial interest in the property as defined

in subparagraph (iii) of this paragraph, or any officer, director or general partner of the applicant or such person.

(iii) "Substantial interest" as used in this subdivision shall mean ownership and control of an interest of ten percent or more in a property or any person owning a property.

(iv) If any person described in the statement required by subparagraph (ii) of this paragraph is finally adjudicated by a court of competent jurisdiction to be guilty of any charge listed in such statement, the recipient shall cease to be eligible for benefits pursuant to this title and shall pay with interest any taxes for which an abatement was claimed pursuant to this title.

6. Requirement to file income and expense statements. No benefits pursuant to this title shall be granted for any property in a city that requires income and expense statements to be filed for income producing property, unless income and expense statements are filed for the property with respect to the tax year as to which the assessment roll described in paragraph (b) of subdivision two of section four hundred eighty-nine-bbbbbbb of this title applies, and all subsequent tax years up to and including the tax year on which the assessment roll described in paragraph (c) of subdivision two of section four hundred eighty-nine-bbbbbbb of this title applies.

7. Co-application with public entity. A co-applicant with a public entity may be eligible for abatement benefits, provided that for any period for which the property is exempt from real property tax because it is owned or controlled by a public entity, no benefits shall be available to such recipient under this title. Such recipient may receive benefits under this title when the property is no longer eligible for an exemption as follows: (a) No benefits under this title shall be provided during the period of exemption; (b) during such period of exemption, the years of the benefit period applicable to the project provided in subdivision three of section four hundred eighty-nine-bbbbbbb of this title shall not be tolled, but shall run in accordance with the applicable schedule provided therein; and (c) the recipient shall, starting with the date the exemption ceases, and continuing until the abatement benefit period expires, receive the abatement benefits to

which such recipient is entitled in the tax year that corresponds to the year of the benefit period provided in subdivision three of section four hundred eighty-nine-bbbbbb of this title.

§ 489-ddddddd. Applying for benefits. 1. Application. (a) Application for benefits pursuant to this title may be made immediately following the effective date of a local law enacted pursuant to this title and continuing until March first, two thousand twenty-nine.

(b) Application content. The preliminary and final applications shall be in any format designated by the commissioner, including electronic format. The applications shall require, and applicants shall provide, information and documentation sufficient to determine eligibility for abatement benefits. The required information and documentation for both applications shall be prescribed by the department by rule. Such information and documentation may include, but need not be limited to, certified statements related to the project, project costs, filings with other governmental entities, and work performed or to be performed on such project. At the department's sole discretion, an applicant may be required to furnish certified statements made by the applicant's architect or engineer or both.

(c) Compliance. The application shall also state that the applicant agrees to comply with and be subject to the rules issued from time to time by the department to secure compliance with all applicable city, state and federal laws or which implement mayoral directives and executive orders designed to ensure equal employment opportunity. If required by local law or rule as described in section four hundred eighty-nine-kkkkkk of this title, such application shall also state that the applicant agrees to comply with the program established thereby to ensure meaningful participation of minority and women-owned business enterprises in construction work for which the applicant receives benefits.

(d) Affidavit of no violations. No benefits pursuant to this title shall be granted for any construction work unless the applicant shall file with the application, the affidavit required under paragraph (c) of subdivision five of section four hundred eighty-nine-cccccc of this title.

(e) Electronic filing of application. The commissioner may, by rule, require any application for benefits under this title to be submitted electronically in such form and manner as the commissioner may determine. For good cause, the commissioner may waive any rule requiring electronic filing and may permit an application to be filed in another manner.

2. Fees. The department may provide by rule for reasonable administrative charges or fees necessary to defray expenses in administering this benefit program.

3. (a) No benefits authorized pursuant to this title shall be granted for construction work performed pursuant to a building permit issued after April first, two thousand twenty-nine.

(b) If no building permit was required, then no benefits authorized pursuant to this title shall be granted for construction work that is commenced after April first, two thousand twenty-nine.

§ 489-eeeeee. Reporting requirement. 1. Continuing use. For the duration of the benefit period, the recipient of benefits shall file biennially with the department, on or before the appropriate taxable status date, a statement of the continuing use of such property and any changes in use that have occurred, provided, however, that any recipient of benefits receiving benefits for property defined as a peaking unit shall file such statement biannually. Such filings shall include a statement that the recipient has not been found by a competent authority, agency or court to have violated state, city, or municipal business regulations or ordinances related to payment of taxes, payment of wages, or fraudulent representation to governmental entities. This statement shall be in a form determined by the department and may be in any format the department determines, in its discretion, is appropriate, including electronic format. The department shall have authority to terminate such benefits upon failure of a recipient to file such statement by the appropriate taxable status date. The burden of proof shall be on the recipient to establish continuing eligibility for benefits and the department shall have the authority to require that

statements filed under this subdivision be certified.

2. Conversion of construction. A recipient shall file an amendment to the latest statement of continuing use prior to:

(a) converting square footage within property that is the subject of benefits for industrial construction work from use for the manufacturing activities described in such statement of continuing use where such conversion would result in less than sixty-five percent of total net square footage being used or held out for use for manufacturing activities; or

(b) converting any portion of property that is the subject of benefits for industrial construction work for use for any restricted activity or as residential property.

(c) For all other use conversions, applicants shall immediately notify the department of a change in use, in a manner that the department may determine.

3. Minimum required expenditure. No later than sixty days after the minimum required expenditure must be made under subdivision one of section four hundred eighty-nine-cccccc of this title, the applicant shall submit to the department a certified statement that the applicant has made the minimum required expenditure as required by this title.

4. Business operation data. A recipient shall biennially file a report with the department, on or before the appropriate taxable status date, regarding certain business operation data relating to the recipient's economic impact and outcomes for the duration of the benefit period, provided, however, that any recipient of benefits for property defined as a peaking unit shall file such statement biannually. Such report shall contain information including, but not limited to, tenancy data, information regarding employment creation and job retention and any other information deemed relevant by the department.

§ 489-ffffff. Conversion of property. 1. Conversion from commercial to industrial use. Where a property has been granted benefits for commercial or renovation construction work, but such property is used as

industrial property before the benefits period expires, such property shall continue to receive benefits for commercial or renovation construction work.

2. Conversion from industrial use to commercial use. Where a property has been granted benefits for industrial construction work, and where, before the benefit period expires, less than seventy-five percent of the total net square footage is used or held out for use for manufacturing activities, no further benefits for industrial construction work shall be provided except as provided in this subdivision. Taxes, together with interest, shall become due and owing after such date of the use for purposes other than industrial, except as provided in this subdivision.

(a) Any applicant whose property has been granted a tax abatement under this title for industrial construction work in a special commercial abatement area who would have been eligible to receive benefits for commercial construction work at the time such applicant applied for benefits shall continue to receive an abatement for industrial construction work.

(b) Any applicant whose property has been granted benefits under this title for industrial construction work other than in a special commercial abatement area who would have been eligible to receive benefits for commercial construction work at the time such applicant applied for benefits shall, commencing with the date of conversion to commercial property and continuing until the expiration of the benefit period for commercial construction work, receive any abatement which such applicant would have received in the corresponding tax year pursuant to the benefits granted for commercial construction work.

(c) Any applicant whose property has been granted benefits under this title for industrial construction work in any area of the city on whose property at least sixty-five percent of the net square footage continues to be used or held out for use for manufacturing activities after conversion to commercial property, shall not be required to pay the pro rata share of tax for which an abatement was claimed during the tax year in which such conversion occurred.

(d) Where the property is receiving the additional industrial abatement pursuant to paragraph (e) of subdivision three of section four hundred eighty-nine-bbbbbbb of this title, such additional industrial

abatement shall cease from the date of conversion to commercial property.

3. Conversion to restricted use. Any applicant whose property has been granted benefits for commercial, industrial or renovation construction work, and who uses such property for any restricted activity prior to the expiration of the benefit period, shall cease to be eligible for further abatement as of the date such property was first used for any restricted activity. Such recipient of benefits that cease under this subdivision shall pay with interest any taxes for which an abatement was claimed after such date, including the pro rata share of tax for which any abatement was claimed during the tax year in which such use occurred.

4. Conversion to residential use. (a) Any applicant whose property has been granted benefits for commercial, industrial or renovation construction work and who, before the benefit period expires, uses the property or a portion of the property as residential property, shall cease to be eligible for further abatement for commercial, industrial or renovation construction work as of the date such property was first used as residential property, as follows:

(i) if twenty percent or more of the rentable square footage of the property is used as residential property, then the entire building shall cease to be eligible for further abatement;

(ii) if less than twenty percent of the rentable square footage of the property is used as residential property, then that portion of such property used as residential property shall cease to be eligible for further abatement;

(iii) notwithstanding subparagraph (ii) of this paragraph, where less than five percent of a property's rentable square footage is used as residential property, that use will be considered de minimus and will not be a basis for benefits to cease under this subdivision; and

(iv) such recipient of benefits that cease under this subdivision shall pay, with interest, any taxes for which an abatement was claimed after the conversion of the property as described in this subdivision, including the pro rata share of tax for which such abatement was claimed during the tax year in which such use occurred. The abatement shall

continue for the commercial, industrial or renovation construction work for the portion of the property that continues to be used for commercial purposes.

(b) For purposes of paragraph (a) of this subdivision, "property" means the real property contained by an individual tax lot.

(c) Notwithstanding paragraph (b) of this subdivision, where a building or structure is owned in condominium form, and an application for benefits under this title includes more than one property in the same condominium, then for purposes of this subdivision, the five percent and twenty percent of the rentable square footage shall be determined based on the aggregate usage of all such properties.

5. Conversion to retail use. (a) Where a property has been granted benefits for industrial or commercial construction work in special commercial abatement areas on buildings where not more than ten percent of the building or structure is used for retail purposes and where, before the benefit period expires, the property or a portion thereof is converted so that ten percent or more of the building or structure is used for retail purposes, the department shall recalculate the abatement upon conversion as provided in subdivision six of this section.

(b) Where a property has been granted benefits for renovation construction work in renovation areas and where, before the benefit period expires, the property or a portion of the property is converted so that more than five percent of the building or structure is used for retail purposes, the department shall recalculate the abatement upon conversion as provided in subdivision six of this section.

5-a. Conversion of use by peaking units. Any applicant whose property has been granted benefits under this title for industrial construction work as a peaking unit and who converts such property in any tax year to a use that no longer qualifies it as a peaking unit, or who uses such property in a manner inconsistent with the definition of a peaking unit, shall be ineligible for abatement benefits during any such tax year. Any such recipient of benefits shall pay with interest taxes for which an abatement was claimed during any portion of such tax year.

6. Recalculation of abatement upon conversion. If, during the benefit

period, a recipient converts square footage within any building or structure, the department may recalculate the benefit granted pursuant to this title to reflect the benefit for which the current use is eligible under this title and rules that may be promulgated by the department.

7. The burden shall at all times be on the recipient to demonstrate by clear and convincing evidence that property subject to benefits under this title is used as stated in the preliminary and final applications for benefits filed by the recipient with the department.

§ 489-gggggg. Temporary commercial incentive area boundary commission; designation of special commercial abatement areas; excluded and renovation areas.

1. Commission members. Any city enacting a local law pursuant to section four hundred eighty-nine-bbbbbbb of this title shall establish a temporary commercial incentive area boundary commission to consist of a deputy mayor designated by the mayor, the commissioner of finance, the chair of the city planning commission, the director of management and budget, the borough presidents, the speaker of the city council and a public member appointed by the mayor to serve at the mayor's pleasure. Each member except the public member shall have the power to designate an alternate to represent him or her at commission meetings to exercise all the rights and powers of such member, including the right to vote, provided that such designation be made in writing to the chair of the commission. The deputy mayor designated by the mayor shall serve as commission chair. Each borough president shall be entitled to vote only on the designation of areas within his or her borough. Commission members who shall be officers or employees of such city shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. Any other commission member shall receive as exclusive compensation for his or her services one hundred dollars per diem, or another reasonable amount as determined by the deputy mayor designated by the mayor, provided, however, that the total compensation paid to any such member shall not exceed twelve hundred dollars for any calendar year, or another reasonable amount determined by the deputy mayor designated by

the mayor. A majority of members of such commission entitled to vote on a matter shall constitute a quorum for such issue. Decisions shall be made by majority vote of those present entitled to vote on a matter. Notwithstanding any other law to the contrary, no officer or employee of the state or any of its subdivisions or any public benefit corporation shall be deemed to have forfeited his or her office or employment or any benefits provided under the retirement and social security law or under any public retirement system maintained by the state or any of its subdivisions by reason of accepting membership on such commission.

2. Designation of special commercial abatement areas. (a) The commission shall meet in two thousand nine or two thousand fifteen and at least once every five years thereafter to determine the boundaries of special commercial abatement areas which it is authorized, but not required, to designate pursuant to this section. The areas designated by the commission established pursuant to title two-D of this article in effect as of June thirtieth, two thousand eight shall remain in effect until the first taxable status date after the local legislative body approves a new designation pursuant to paragraph (d) of this subdivision or, if the local legislative body does not approve a new designation before January first, two thousand sixteen, then, for purposes of applications for special commercial abatement area benefits, the areas designated by the commission established pursuant to title two-D of this article in effect as of June thirtieth, two thousand eight shall remain in effect until December thirty-first, two thousand fifteen.

(a-1) Notwithstanding any provision of law to the contrary, beginning January first, two thousand twenty-six, Governor's Island shall be designated a special commercial abatement area for the purposes of this title, provided that such designation may be modified in whole or in part in accordance with the procedures set forth in this subdivision.

(b) In years when special commercial abatement areas are to be designated, no later than October first, the commission shall provide public notice of such designation by publishing a notice at least once in a newspaper of general circulation setting forth the proposed boundaries. Notice may also be provided electronically or in an electronic medium, such as a website, in a manner the commission determines to be appropriate. Notice must be provided not earlier than

five nor later than fifteen days before the date of the commission's public hearing to hear all persons interested in the designation of the areas. A copy of the notice shall be forwarded to the local legislative body and each community board of the city.

(c) The commission shall make such designation, and notify the local legislative body of such designation, not later than November first of each year when special commercial abatement areas are to be designated.

(d) Within thirty days after the first stated meeting of the local legislative body following the receipt of notice of such designation, the local legislative body may, by majority vote, disapprove such designation. If, within such thirty-day period, the local legislative body fails to act or fails to act by the required vote, the local legislative body shall be deemed to have approved such designation. Such designation shall take effect on the first taxable status date after the local legislative body approves such designation and shall remain in effect until the first taxable status date after the local legislative body approves such new designation.

(e) In the city of New York, the commission may designate any area other than the area lying south of the center line of 96th Street in the borough of Manhattan not including Governor's Island, to be a special commercial abatement area if it determines that market conditions in the area are such that the availability of a special abatement is required in order to encourage commercial construction work in such area. In making such determination, the commission shall consider, among other factors, the existence in such area of a special need for commercial and job development, high unemployment, economic distress or unusually large numbers of vacant, underutilized, unsuitable or substandard structures, or other substandard, unsanitary, deteriorated or deteriorating conditions, with or without tangible blight; provided that, however, in making such determination with respect to Governor's Island, the commission shall consider, among other factors, the density of existing developments and the nature and purpose of planned developments on Governor's Island, and the development of emerging industries in the city.

(f) If the commission fails to meet in two thousand fifteen, all new applications for special commercial abatement area benefits postmarked after December thirty-first, two thousand fifteen shall be deemed

applications for regular area benefits.

3. Renovation areas. In the city of New York, the following areas of Manhattan shall be designated as renovation areas. Except as provided in paragraph (f) of subdivision three of section four hundred eighty-nine-bbbbbb of this title, new commercial construction in a renovation area shall not be eligible for abatement benefits. Renovation areas shall be limited to:

(a) the area in the borough of Manhattan bounded by Murray Street on the north starting at the intersection of West Street and Murray Street; running easterly along the center line of Murray Street; connecting through City Hall Park with the center line of Frankfort Street and running easterly along the center line of Frankfort and Dover Streets to the intersection of Dover Street and South Street; running southerly along the center line of South Street to Peter Minuit Plaza; connecting through Peter Minuit Plaza to the center line of State Street and running northwesterly along the center line of State Street to the intersection of State Street and Battery Place; running westerly along the center line of Battery Place to the intersection of Battery Place and West Street; and running northerly along the center line of West Street to the intersection of West Street and Murray Street;

(b) the area in the borough of Manhattan defined as the special garment center district by chapter one of article XII of the zoning resolution of the city of New York; and

(c) the area in the borough of Manhattan south of the center line of 59th street, other than: (i) the areas designated renovation areas by paragraphs (a) and (b) of this subdivision, or (ii) as of January first, two thousand twenty-six, Governor's Island.

4. Commercial exclusion area. Except as provided in paragraph (f) of subdivision three of section four hundred eighty-nine-bbbbbb of this title, any area in the borough of Manhattan lying south of the center line of 96th Street, other than: (a) the areas designated renovation areas by subdivision three of this section and (b) as of January first, two thousand twenty-six, Governor's Island, shall be a commercial exclusion area. Commercial construction projects in the commercial exclusion area shall not be eligible to receive tax abatements pursuant

to this title.

5. Eligible industrial construction projects may receive tax abatements pursuant to paragraphs (b) and (e) of subdivision three of section four hundred eighty-nine-bbbbbbb of this title in any area of the city of New York.

§ 489-hhhhhh. Administration of the benefit program. The department shall have the following additional functions, powers and duties:

1. To require that any documents submitted in support of or as part of an application be certified;

2. To audit documents submitted by an applicant, to require the production of books, records and documents with respect to information relating to any application made pursuant to, or whether the applicant has complied with, the requirements of this title;

3. To revoke or suspend benefits due to non-compliance with a request made under this section;

4. To enter and inspect property to determine a property's use and to determine whether (a) any such property is being used for any restricted use, or

(b) any property for which benefits have been granted for industrial construction work is being used as commercial property, or (c) any industrial or commercial property is being used as residential or mixed-use property, or (d) all or part of the nonresidential portion of mixed-use property is being used as residential property;

5. To make and promulgate a rule that increases up to fifty percent the amount of the minimum required expenditure required under this title, if, after consultation with the deputy mayor for economic development and planning, the commissioner determines that a greater minimum required expenditure is required to encourage significant industrial and commercial development; and

6. To make and promulgate any other rules to carry out the purposes of this title. Such rules shall provide that for construction work, recipients of benefits and their contractors shall be equal opportunity employers and may also provide that persons employed in the construction work shall implement a training program for economically disadvantaged persons enrolled or eligible to be enrolled in training programs approved by the department of labor.

§ 489-iiiiii. Code violations; suspension, termination or revocation of benefits. 1. Abatement benefits shall be suspended, terminated or revoked if the recipient is found to have failed to cure violations of applicable building, fire, or air pollution control codes on the property for which benefits have been granted or any state, city, or municipal business regulations or ordinances in a manner specified by local law or ordinance related to payment of taxes, payment of wages, or fraudulent representation to governmental entities.

2. Abatement benefits shall be suspended, terminated or revoked if the recipient is found to have violated any provision of article fifteen of the executive law by a competent authority, agency or court.

3. All taxes plus interest required to be paid retroactively pursuant to this title shall constitute a tax lien as of the date it is determined such taxes and interest are owed. Interest shall be calculated from the date the taxes would have been due but for the abatement claimed pursuant to this title at the interest rate imposed by such city for non-payment of property tax.

§ 489-jjjjjj. Penalties for non-compliance, false statements and omissions. Denial, reduction, suspension, termination or revocation. The department may deny, reduce, suspend, terminate or revoke any abatement benefits where:

1. A recipient fails to comply with the requirements of this title or

the related rules promulgated by the department; or

2. An application, certificate, report or other document delivered by an applicant or recipient hereunder contains a false or misleading statement as to a material fact or omits to state any material fact necessary to make the statements not false or misleading, and may declare any applicant or recipient who makes such false or misleading statement or omission ineligible for future tax abatements for this property or another property; or

3. A recipient is found to have failed to cure any violation of state, city, or municipal business regulations or ordinances related to payment of taxes, payment of wages, or fraudulent representation to governmental entities.

§ 489-kkkkkk. Participation of minority and women-owned business enterprises. A city enacting a local law pursuant to this title may provide for a program to ensure meaningful participation of minority and women-owned business enterprises in construction work for which an applicant receives benefits. Such program may be established, and amended from time to time, by local law, or by rule of the department not inconsistent with any such local law.

TITLE 3

MISCELLANEOUS PROVISIONS

- Section 490. Exemption from special ad valorem levies and special assessments.
491. Conservation easement agreement exemption; certain towns.
- 491*2. Conservation easement agreement exemption; certain towns.
- 491-a. Conservation easement agreement exemption; certain towns.
- 491-a*2. Conservation easement agreement exemption; certain towns.

- 491-b. Conservation easement agreement exemption; certain towns.
- 491-b*2. Conservation easement agreement exemption; certain towns.
- 492. Ascertainment of amount of special assessment in certain cases.
- 494. Taxation of exempt property upon transfer of title or possession in certain instances.
- 494-a. Exemption from taxation of property upon transfer of title in certain instances.
- 495. Exemption reports.
- 496. Voluntary renunciation of an exemption.
- 497. Construction of certain local option provisions in exemption statutes.

§ 490. Exemption from special ad valorem levies and special assessments. Real property exempt from taxation pursuant to subdivision two of section four hundred, subdivision one of section four hundred four, subdivision one of section four hundred six, sections four hundred eight, four hundred ten, four hundred ten-a, four hundred ten-b, four hundred eighteen, four hundred twenty-a, four hundred twenty-b, four hundred twenty-two, four hundred twenty-six, four hundred twenty-seven, four hundred twenty-eight, four hundred thirty, four hundred thirty-two, four hundred thirty-four, four hundred thirty-six, four hundred thirty-eight, four hundred fifty, four hundred fifty-two, four hundred fifty-four, four hundred fifty-six, four hundred sixty-four, four hundred seventy-two, four hundred seventy-four, four hundred eighty-five and subdivision ten of section four hundred eighty-seven of this chapter shall also be exempt from special ad valorem levies and special assessments against real property located outside cities and villages for a special improvement or service or a special district improvement or service and special ad valorem levies and special assessments imposed by a county improvement district or district corporation except (1) those levied to pay for the costs, including interest and incidental and preliminary costs, of the acquisition, installation, construction, reconstruction and enlargement of or additions to the following

improvements, including original equipment, furnishings, machinery or apparatus, and the replacements thereof: water supply and distribution systems; sewer systems (either sanitary or surface drainage or both, including purification, treatment or disposal plants or buildings); waterways and drainage improvements; street, highway, road and parkway improvements (including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the right of way) and (2) special assessments payable in installments on an indebtedness including interest contracted prior to July first, nineteen hundred fifty-three, pursuant to section two hundred forty-two of the town law or pursuant to any other comparable provision of law.

*** § 491. Conservation easement agreement exemption; certain towns. 1.** Applicability. (a) In a town having a population of not less than eleven thousand three hundred and not more than eleven thousand four hundred, that is located in a county having a population of not less than nine hundred fifty thousand and not more than nine hundred fifty-one thousand, based upon the latest decennial federal census, is hereby authorized to adopt a local law to provide that, real property whose interests or rights have been acquired for the purpose of the preservation of an open space or an open area, as authorized in section two hundred forty-seven of the general municipal law, may be partially exempt from local real property taxation, provided that the owner or owners of such real property enter into a conservation easement agreement with the municipality in accordance with the procedures specified in subdivision three of this section. A county having a population of not less than nine hundred fifty thousand and not more than nine hundred fifty-one thousand based upon the latest decennial federal census may, by local law, and any school district, all or part of which is located in a town having a population of not less than eleven thousand three hundred and not more than eleven thousand four hundred that is located in a county having a population of not less than nine hundred fifty thousand and not more than nine hundred fifty-one thousand, may, by resolution, exempt such property from its taxation in the same manner and to the same extent as such town has done.

(b) A town having a population of not less than eleven thousand three

hundred and not more than eleven thousand four hundred that is located in a county having a population of not less than nine hundred fifty thousand and not more than nine hundred fifty-one thousand, based upon the latest decennial federal census may, by a vote of the town board, opt out of this exemption at any time.

2. Definitions. For the purpose of this section, the following terms shall have the following meanings: "open space" or "open area" means any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. For the purposes of this definition, "natural resources" shall include, but not be limited to, agricultural lands defined as open lands actually used in bona fide agricultural production.

3. Procedures for obtaining a conservation easement agreement. (a) Any owner or owners of land may submit a proposal to the town board of a town having a population of not less than eleven thousand three hundred and not more than eleven thousand four hundred that is located in a county having a population of not less than nine hundred fifty thousand and not more than nine hundred fifty-one thousand, based upon the latest decennial federal census, for the granting of interest or rights in real property for the preservation of open space or areas. Such proposal shall be submitted in such a manner and form as may be prescribed by the conservation board of such town.

(b) Upon receipt of such proposal, the town board shall convey the proposal to the conservation board of such town. Such conservation board shall investigate the area to determine if the proposal would be of benefit to the people of the town and may negotiate the terms and conditions of the offer. If the conservation board determines that it is in the public interest to accept such proposal, it shall recommend to the town board that it hold a public hearing for the purpose of determining whether or not the town should accept such proposal.

(c) The town board shall, within thirty days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a

place within the town. At least ten days notice of the time and place of such hearing shall be published in a paper of general circulation in such town, and a written notice of such proposal shall be given to all adjacent property owners and to any municipality whose boundaries are within five hundred feet of the boundaries of said proposed area, and to the school district in which it is located.

(d) The town board, after receiving the reports of the conservation board of a town having a population of not less than eleven thousand three hundred and not more than eleven thousand four hundred that is located in a county having a population of not less than nine hundred fifty thousand and not more than nine hundred fifty-one thousand, based upon the latest decennial federal census, and after such public hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety.

(e) If such proposal is adopted by the town board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the county clerk's office.

(f) Such agreement may not be canceled by either party. However, the owner or owners thereof may petition the town board for cancellation upon good cause shown, and such cancellation may be granted only upon payment of the penalties provided in this section.

4. Computation. (a) An exemption granted pursuant to this section shall commence as of the effective date of the conservation easement agreement, and shall terminate upon the expiration or termination of such conservation easement agreement.

(b) The following table shall illustrate the computation of the exemption:

Commitment	Percentage of Exemption
15 to 29 years	50%
30 to 49 years	75%
50 to 75 years	85%
Perpetual	90%

Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of the town on or before the taxable status date of such town.

(c) If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

(d) Whenever a conservation easement encumbers only a portion of a parcel, the assessor shall henceforth enter that portion of the parcel encumbered by such easement as a separate parcel on all subsequent assessment rolls.

5. Penalties for offenses. If there is a violation of the terms and conditions of the conservation easement agreement or if such conservation easement agreement is canceled by the town board upon petition, then the owner or owners of such property must pay to the town the following amounts:

(a) All taxes abated pursuant to the conservation easement agreement, as limited by the remainder of this section, including, if applicable, those taxes imposed by the county, town, school districts and all special improvement districts and other taxing units to which the property is subject. Repayment of the aforementioned abated taxes shall be equal to five times the taxes saved in the last year in which the land benefited from a conservation easement agreement exemption, plus interest of six percent per year compounded annually for each year in which an exemption was granted, not exceeding five years.

(b) Payments shall be added by or on behalf of each taxing jurisdiction to the taxes levied on the assessment roll prepared on the basis of the first taxable status date after there is a violation of the terms and conditions of the conservation easement or such conservation easement agreement is canceled.

* NB There are 2 § 491's

*** § 491. Conservation easement agreement exemption; certain towns. 1. Applicability.** A town having a population of not less than twenty-seven

thousand six hundred and not more than twenty-seven thousand seven hundred that is located in a county having a population of not less than nine hundred fifty thousand and not more than nine hundred fifty-one thousand, based upon the latest decennial federal census, is hereby authorized to adopt a local law to provide that real property whose interests or rights have been acquired for the purpose of the preservation of an open space or an open area, as authorized in section two hundred forty-seven of the general municipal law, may be partially exempt from local real property taxation, provided that the owner or owners of such real property enter into a conservation easement agreement with the municipality in accordance with the procedures specified in subdivision three of this section. A county having a population of not less than nine hundred fifty thousand and not more than nine hundred fifty-one thousand, based upon the latest decennial federal census may, by local law, and any school district, all or part of which is located in a town having a population of not less than twenty-seven thousand six hundred and not more than twenty-seven thousand seven hundred that is located in a county having a population of not less than nine hundred fifty thousand and not more than nine hundred fifty-one thousand, may, by resolution, exempt such property from its taxation in the same manner and to the same extent as such town has done.

2. Definitions. For the purpose of this section, the following terms shall have the following meanings: "open space" or "open area" means any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. For the purposes of this definition, "natural resources" shall include, but not be limited to, agricultural lands defined as open lands actually used in bona fide agricultural production.

3. Procedures for obtaining a conservation easement agreement. (a) Any owner or owners of land may submit a proposal to the town board of a town having a population of not less than twenty-seven thousand six

hundred and not more than twenty-seven thousand seven hundred that is located in a county having a population of not less than nine hundred fifty thousand and not more than nine hundred fifty-one thousand, based upon the latest decennial federal census, for the granting of interest or rights in real property for the preservation of open space or areas. Such proposal shall be submitted in such a manner and form as may be prescribed by the conservation board of such town.

(b) Upon receipt of such proposal, the town board shall convey the proposal to the conservation board of such town. Such conservation board shall investigate the area to determine if the proposal would be of benefit to the people of the town and may negotiate the terms and conditions of the offer. If the conservation board determines that it is in the public interest to accept such proposal, it shall recommend to the town board that it hold a public hearing for the purpose of determining whether or not the town should accept such proposal.

(c) The town board shall, within thirty days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a place within the town. At least ten days notice of the time and place of such hearing shall be published in a paper of general circulation in such town, and a written notice of such proposal shall be given to all adjacent property owners and to any municipality whose boundaries are within five hundred feet of the boundaries of said proposed area, and to the school district in which it is located.

(d) The town board, after receiving the reports of the conservation board of a town having a population of not less than twenty-seven thousand six hundred and not more than twenty-seven thousand seven hundred that is located in a county having a population of not less than nine hundred fifty thousand and not more than nine hundred fifty-one thousand, based upon the latest decennial federal census, and after such public hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety.

(e) If such proposal is adopted by the town board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the county clerk's office.

(f) Such agreement may not be canceled by either party. However, the owner or owners thereof may petition the town board for cancellation upon good cause shown, and such cancellation may be granted only upon

payment of the penalties provided in this section.

4. Computation. (a) An exemption granted pursuant to this section shall commence as of the effective date of the conservation easement agreement, and shall terminate upon the expiration or termination of such conservation easement agreement.

(b) The following table shall illustrate the computation of the exemption:

Commitment	Percentage of Exemption
15 to 29 years	50%
30 to 49 years	75%
50 to 75 years	85%
Perpetual	90%

Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of the town on or before the taxable status date of such town.

(c) If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

(d) Whenever a conservation easement encumbers only a portion of a parcel, the assessor shall henceforth enter that portion of the parcel encumbered by such easement as a separate parcel on all subsequent assessment rolls.

5. Penalties for offenses. If there is a violation of the terms and conditions of the conservation easement agreement or if such conservation easement agreement is canceled by the town board upon petition, then the owner or owners of such property must pay to the town, the following amounts:

(a) All taxes abated pursuant to the conservation easement agreement, as limited by the remainder of this section, including, if applicable,

those taxes imposed by the county, town, school districts and all special improvement districts and other taxing units to which the property is subject. Repayment of the aforementioned abated taxes shall be equal to five times the taxes saved in the last year in which the land benefited from a conservation easement agreement exemption, plus interest of six percent per year compounded annually for each year in which an exemption was granted, not exceeding five years.

(b) Payments shall be added by or on behalf of each taxing jurisdiction to the taxes levied on the assessment roll prepared on the basis of the first taxable status date after there is a violation of the terms and conditions of the conservation easement or such conservation easement agreement is canceled.

* NB There are 2 § 491's

*** § 491-a. Conservation easement agreement exemption; certain towns.**

1. Applicability. In a town having a population of not less than thirty-two thousand and not more than thirty-five thousand, that is located in a county having a population of not less than three hundred thousand and not more than three hundred seven thousand, based upon and recorded by the latest census, is hereby authorized to adopt a local law to provide that, real property whose interests or rights have been acquired for the purpose of the preservation of an open space or an open area, as authorized in section two hundred forty-seven of the general municipal law, may be partially exempt from local real property taxation, provided that the owner or owners of such real property enter into a conservation easement agreement with the municipality in accordance with the procedures specified in subdivision three of this section. A county having a population of not less than three hundred thousand and not more than three hundred seven thousand based upon and recorded in the latest census may, by local law, and any school district, all or part of which is located in a town having a population of not less than thirty-two thousand and not more than thirty-five thousand that is located in a county having a population of not less than three hundred thousand and not more than three hundred seven thousand based upon and recorded by the latest census, may, by resolution, exempt such property from its taxation in the same manner

and to the same extent as such town has done.

2. Definitions. For the purpose of this section, the following terms shall have the following meanings: "open space" or "open area" means any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. For the purposes of this definition, "natural or scenic resources" shall include, but not be limited to, agricultural lands defined as open lands actually used in bona fide agricultural production.

3. Procedures for obtaining a conservation easement agreement. (a) Any owner or owners of land may submit a proposal to the town board of a town having a population of not less than thirty-two thousand and not more than thirty-five thousand that is located in a county having a population of not less than three hundred thousand and not more than three hundred seven thousand, based upon and recorded by the latest census, for the granting of interest or rights in real property for the preservation of open space or areas. Such proposal shall be submitted in such a manner and form as may be prescribed by the conservation board of such town.

(b) Upon receipt of such proposal, the town board shall convey the proposal to the conservation board of such town. Such conservation board shall investigate the area to determine if the proposal would be of benefit to the people of the town and may negotiate the terms and conditions of the offer. If the conservation board determines that it is in the public interest to accept such proposal, it shall recommend to the town board that it hold a public hearing for the purpose of determining whether or not the town should accept such proposal.

(c) The town board shall, within thirty days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a place within the town. At least ten days notice of the time and place of such hearing shall be published in a paper of general circulation in such town, and a written notice of such proposal shall be given to all adjacent property owners and to any municipality whose boundaries are

within five hundred feet of the boundaries of said proposed area, and to the school district in which it is located.

(d) The town board, after receiving the reports of the conservation board of a town having a population of not less than thirty-two thousand and not more than thirty-five thousand that is located in a county having a population of not less than three hundred thousand and not more than three hundred seven thousand, based upon and recorded by the latest census, and after such public hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety.

(e) If such proposal is adopted by the town board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the county clerk's office.

(f) Such agreement may not be canceled by either party. However, the owner or owners thereof may petition the town board for cancellation upon good cause shown, and such cancellation may be granted only upon payment of the penalties provided in this section.

4. Computation. (a) An exemption granted pursuant to this section shall commence as of the effective date of the conservation easement agreement, and shall terminate upon the expiration or termination of such conservation easement agreement.

(b) The following table shall illustrate the computation of the exemption:

Commitment	Percentage of Exemption
15 to 29 years	50%
30 to 49 years	75%
50 to 75 years	85%
Perpetual	90%

Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of the town on or before the taxable status date of such town.

(c) If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the

assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

(d) Whenever a conservation easement encumbers only a portion of a parcel, the assessor shall henceforth enter that portion of the parcel encumbered by such easement as a separate parcel on all subsequent assessment rolls.

5. Penalties for offenses. If there is a violation of the terms and conditions of the conservation easement agreement or if such conservation easement agreement is canceled by the town board upon petition, then the owner or owners of such property must pay to the town the following amounts:

(a) All taxes abated pursuant to the conservation easement agreement, as limited by the remainder of this section, including, if applicable, those taxes imposed by the county, town, school districts and all special improvement districts and other taxing units to which the property is subject. Repayment of the aforementioned abated taxes shall be equal to five times the taxes saved in the last year in which the land benefited from a conservation easement agreement exemption, plus interest of six percent per year compounded annually for each year in which an exemption was granted, not exceeding five years.

(b) Payments shall be added by or on behalf of each taxing jurisdiction to the taxes levied on the assessment roll prepared on the basis of the first taxable status date after there is a violation of the terms and conditions of the conservation easement or such conservation easement agreement is canceled.

* NB There are 2 § 491-a's

*** § 491-a. Conservation easement agreement exemption; certain towns.**

1. Applicability. (a) In a town having a population of not less than seven thousand five hundred and not more than seven thousand seven hundred, that is located in a county having a population of not less than nine hundred thousand and not more than nine hundred twenty thousand, based upon the latest decennial federal census, is hereby

authorized to adopt a local law to provide that, real property whose interests or rights have been acquired for the purpose of the preservation of an open space or an open area, as authorized in section two hundred forty-seven of the general municipal law, may be partially exempt from local real property taxation, provided that the owner or owners of such real property enter into a conservation easement agreement with the municipality in accordance with the procedures specified in subdivision three of this section. A county having a population of not less than nine hundred thousand and not more than nine hundred twenty thousand based upon the latest decennial federal census may, by local law, and any school district, all or part of which is located in a town having a population of not less than seven thousand five hundred and not more than seven thousand seven hundred that is located in a county having a population of not less than nine hundred thousand, may by resolution, exempt such property from its taxation in the same manner and to the same extent as such town has done.

(b) A town having a population of not less than seven thousand five hundred and not more than seven thousand seven hundred that is located in a county having a population of not less than nine hundred thousand and not more than nine hundred twenty thousand, based upon the latest decennial federal census may, by a vote of the town board, opt out of this exemption at any time.

2. Definitions. For the purpose of this section, the following terms shall have the following meanings: "open space" or "open area" means any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. For the purposes of this definition, "natural resources" shall include, but not be limited to, agricultural lands defined as open lands actually used in bona fide agricultural production.

3. Procedures for obtaining a conservation easement agreement. (a) Any owner or owners of land may submit a proposal to the town board of a town having a population of not less than seven thousand five hundred

and not more than seven thousand seven hundred that is located in a county having a population of not less than nine hundred thousand and not more than nine hundred twenty thousand, based upon the latest decennial federal census, for the granting of interest or rights in real property for the preservation of open space or areas. Such proposal shall be submitted in such a manner and form as may be prescribed by the conservation board of such town.

(b) Upon receipt of such proposal, the town board shall convey the proposal to the conservation board of such town. Such conservation board shall investigate the area to determine if the proposal would be of benefit to the people of the town and may negotiate the terms and conditions of the offer. If the conservation board determines that it is in the public interest to accept such proposal, it shall recommend to the town board that it hold a public hearing for the purpose of determining whether or not the town should accept such proposal.

(c) The town board shall, within thirty days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a place within the town. At least ten days notice of the time and place of such hearing shall be published in a paper of general circulation in such town, and a written notice of such proposal shall be given to all adjacent property owners and to any municipality whose boundaries are within five hundred feet of the boundaries of said proposed area, and to the school district in which it is located.

(d) The town board, after receiving the reports of the conservation board of a town having a population of not less than seven thousand five hundred and not more than seven thousand seven hundred that is located in a county having a population of not less than nine hundred thousand and not more than nine hundred twenty thousand, based upon the latest decennial federal census, and after such public hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety.

(e) If such proposal is adopted by the town board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the county clerk's office.

(f) Such agreement may not be canceled by either party. However, the owner or owners thereof may petition the town board for cancellation upon good cause shown, and such cancellation may be granted only upon

payment of the penalties provided in this section.

4. Computation. (a) An exemption granted pursuant to this section shall commence as of the effective date of the conservation easement agreement, and shall terminate upon the expiration or termination of such conservation easement agreement.

(b) The following table shall illustrate the computation of the exemption:

COMMITMENT	PERCENTAGE OF EXEMPTION
15 TO 29 YEARS	50%
30 TO 49 YEARS	75%
50 TO 75 YEARS	85%
PERPETUAL	90%

Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of the town on or before the taxable status date of such town.

(c) If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

(d) Whenever a conservation easement encumbers only a portion of a parcel, the assessor shall henceforth enter that portion of the parcel encumbered by such easement as a separate parcel on all subsequent assessment rolls.

5. Penalties for offenses. If there is a violation of the terms and conditions of the conservation easement agreement or if such conservation easement agreement is canceled by the town board upon petition, then the owner or owners of such property must pay to the town the following amounts.

(a) All taxes abated pursuant to the conservation easement agreement,

as limited by the remainder of this section, including, if applicable, those taxes imposed by the county, town, school districts and all special improvement districts and other taxing units to which the property is subject. Repayment of the aforementioned abated taxes shall be equal to five times the taxes saved in the last year in which the land benefited from a conservation easement agreement exemption, plus interest of six percent per year compounded annually for each year in which an exemption was granted, not exceeding five years.

(b) Payment shall be added by or on behalf of each taxing jurisdiction to the taxes levied on the assessment roll prepared on the basis of the first taxable status date after there is a violation of the terms and conditions of the conservation easement or such conservation easement agreement is canceled.

* NB There are 2 § 491-a's

*** § 491-b. Conservation easement agreement exemption; certain towns.**

1. Applicability. In a town having a population of not less than thirty-five thousand and not more than thirty-six thousand, that is located in a county having a population of not less than three hundred thousand and not more than three hundred seven thousand, based upon and recorded by the two thousand ten federal census, is hereby authorized to adopt a local law to provide that, real property whose interests or rights have been acquired for the purpose of the preservation of an open space or an open area, as authorized in section two hundred forty-seven of the general municipal law, may be partially exempt from local real property taxation, provided that the owner or owners of such real property enter into a conservation easement agreement with the municipality in accordance with the procedures specified in subdivision three of this section. A county having a population of not less than three hundred thousand and not more than three hundred seven thousand based upon and recorded in the two thousand ten federal census may, by local law, and any school district, all or part of which is located in a town having a population of not less than thirty-five thousand and not more than thirty-six thousand that is located in a county having a population of not less than three hundred thousand and not more than three hundred seven thousand based upon and recorded by the two thousand

ten federal census, may, by resolution, exempt such property from its taxation in the same manner and to the same extent as such town has done.

2. Definitions. For the purpose of this section, the following terms shall have the following meanings: "open space" or "open area" means any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. For the purposes of this definition, "natural or scenic resources" shall include, but not be limited to, agricultural lands defined as open lands actually used in bona fide agricultural production.

3. Procedures for obtaining a conservation easement agreement. (a) Any owner or owners of land may submit a proposal to the town board of a town having a population of not less than thirty-five thousand and not more than thirty-six thousand that is located in a county having a population of not less than three hundred thousand and not more than three hundred seven thousand, based upon and recorded by the two thousand ten federal census, for the granting of interest or rights in real property for the preservation of open space or areas. Such proposal shall be submitted in such a manner and form as may be prescribed by the conservation board of such town.

(b) Upon receipt of such proposal, the town board shall convey the proposal to the conservation board of such town. Such conservation board shall investigate the area to determine if the proposal would be of benefit to the people of the town and may negotiate the terms and conditions of the offer. If the conservation board determines that it is in the public interest to accept such proposal, it shall recommend to the town board that it hold a public hearing for the purpose of determining whether or not the town should accept such proposal.

(c) The town board shall, within thirty days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a place within the town. At least ten days notice of the time and place of such hearing shall be published in a paper of general circulation in

such town, and a written notice of such proposal shall be given to all adjacent property owners and to any municipality whose boundaries are within five hundred feet of the boundaries of said proposed area, and to the school district in which it is located.

(d) The town board, after receiving the reports of the conservation board of a town having a population of not less than thirty-five thousand and not more than thirty-six thousand that is located in a county having a population of not less than three hundred thousand and not more than three hundred seven thousand, based upon and recorded by the two thousand ten federal census, and after such public hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety.

(e) If such proposal is adopted by the town board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the county clerk's office.

(f) Such agreement may not be canceled by either party. However, the owner or owners thereof may petition the town board for cancellation upon good cause shown, and such cancellation may be granted only upon payment of the penalties provided in this section.

4. Computation. (a) An exemption granted pursuant to this section shall commence as of the effective date of the conservation easement agreement, and shall terminate upon the expiration or termination of such conservation easement agreement.

(b) The following table shall illustrate the computation of the exemption:

Commitment	Percentage of Exemption
15 to 29 years	50%
30 to 49 years	75%
50 to 75 years	85%
Perpetual	90%

Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of the town on or before the taxable status date of such town.

(c) If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and

such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

(d) Whenever a conservation easement encumbers only a portion of a parcel, the assessor shall henceforth enter that portion of the parcel encumbered by such easement as a separate parcel on all subsequent assessment rolls.

5. Penalties for offenses. If there is a violation of the terms and conditions of the conservation easement agreement or if such conservation easement agreement is canceled by the town board upon petition, then the owner or owners of such property must pay to the town the following amounts:

(a) All taxes abated pursuant to the conservation easement agreement, as limited by the remainder of this section, including, if applicable, those taxes imposed by the county, town, school districts and all special improvement districts and other taxing units to which the property is subject. Repayment of the aforementioned abated taxes shall be equal to five times the taxes saved in the last year in which the land benefited from a conservation easement agreement exemption, plus interest of six percent per year compounded annually for each year in which an exemption was granted, not exceeding five years.

(b) Payments shall be added by or on behalf of each taxing jurisdiction to the taxes levied on the assessment roll prepared on the basis of the first taxable status date after there is a violation of the terms and conditions of the conservation easement or such conservation easement agreement is canceled.

* NB There are 2 § 491-b's

*** § 491-b. Conservation easement agreement exemption; certain towns.**

1. Applicability. (a) In a town having a population of not less than three thousand two hundred fifty and not more than three thousand four hundred fifty, that is located in a county having a population of not

less than one hundred thousand and not more than one hundred five thousand, based upon and recorded by the two thousand ten federal census, is hereby authorized to adopt a local law to provide that, real property whose interests or rights have been acquired for the purpose of the preservation of an open space or an open area, as authorized in section two hundred forty-seven of the general municipal law, may be partially exempt from local real property taxation, provided that the owner or owners of such real property enter into a conservation easement agreement with the municipality in accordance with the procedures specified in subdivision three of this section. A county having a population of not less than one hundred thousand and not more than one hundred five thousand based upon and recorded in the two thousand ten federal census may, by local law, and any fire district, water district, or school district, all or part of which is located in a town having a population of not less than three thousand two hundred fifty and not more than three thousand four hundred fifty that is located in a county having a population of not less than one hundred thousand and not more than one hundred five thousand based upon and recorded by the two thousand ten federal census, may, by resolution, exempt such property from its taxation in the same manner and to the same extent as such town has done.

(b) A town having a population of not less than three thousand two hundred fifty and not more than three thousand four hundred fifty, that is located in a county having a population of not less than one hundred thousand and not more than one hundred five thousand, based upon and recorded by the two thousand ten federal census, may, by a vote of the town board, opt out of this exemption at any time.

2. Definitions. For the purpose of this section, the following terms shall have the following meanings:

(a) "open space" or "open area" means any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. For the purposes of this definition, "natural or scenic resources" shall include, but not be limited to, agricultural lands defined as open lands

actually used in bona fide agricultural production.

(b) "conservation board" means a conservation advisory council or any other board appointed by the town board for the purpose of advising on the acquisition of conservation easements.

3. Procedures for obtaining a conservation easement agreement. (a) Any owner or owners of land may submit a proposal to the town board of a town having a population of not less than three thousand two hundred fifty and not more than three thousand four hundred fifty that is located in a county having a population of not less than one hundred thousand and not more than one hundred five thousand, based upon and recorded by the two thousand ten federal census, for the granting of interest or rights in real property for the preservation of open space or areas. Such proposal shall be submitted in such a manner and form as may be prescribed by the conservation board of such town.

(b) Upon receipt of such proposal, the town board shall convey the proposal to the conservation board of such town. Such conservation board shall investigate the area to determine if the proposal would be of benefit to the people of the town and may negotiate the terms and conditions of the offer. If the conservation board determines that it is in the public interest to accept such proposal, it shall recommend to the town board that it hold a public hearing for the purpose of determining whether or not the town should accept such proposal.

(c) The town board shall, within thirty days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a place within the town. At least ten days notice of the time and place of such hearing shall be published in a paper of general circulation in such town, and a written notice of such proposal shall be given to all adjacent property owners and to any municipality whose boundaries are within five hundred feet of the boundaries of said proposed area, and to the school district in which it is located.

(d) The town board, after receiving the reports of the conservation board of a town having a population of not less than three thousand two hundred fifty and not more than three thousand four hundred fifty that is located in a county having a population of not less than one hundred thousand and not more than one hundred five thousand, based upon and recorded by the two thousand ten federal census, and after such public

hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety.

(e) If such proposal is adopted by the town board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the county clerk's office.

(f) Such agreement may not be canceled by either party. However, the owner or owners thereof may petition the town board for cancellation upon good cause shown, and such cancellation may be granted only upon payment of the penalties provided in this section.

4. Computation. (a) An exemption granted pursuant to this section shall commence as of the effective date of the conservation easement agreement, and shall terminate upon the expiration or termination of such conservation easement agreement.

(b) The following table shall illustrate the computation of the exemption:

Commitment Percentage of Exemption

15 to 29 years 50%

30 to 49 years 75%

50 to 75 years 85%

Perpetual 90%

Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor of the town on or before the taxable status date of such town.

(c) If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this section shall

be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

(d) Whenever a conservation easement encumbers only a portion of a parcel, the assessor shall henceforth enter that portion of the parcel encumbered by such easement as a separate parcel on all subsequent assessment rolls.

5. Penalties for offenses. If there is a violation of the terms and conditions of the conservation easement agreement or if such conservation easement agreement is canceled by the town board upon petition, then the owner or owners of such property must pay to the town the following amounts:

(a) All taxes abated pursuant to the conservation easement agreement, as limited by the remainder of this section, including, if applicable, those taxes imposed by the county, town, fire districts, water districts, school districts and all special improvement districts and other taxing units to which the property is subject. Repayment of the aforementioned abated taxes shall be up to five times the taxes saved in the last year in which the land benefited from a conservation easement agreement exemption, plus interest of six percent per year compounded annually for each year in which an exemption was granted, not exceeding five years.

(b) Payments shall be added by or on behalf of each taxing jurisdiction to the taxes levied on the assessment roll prepared on the basis of the first taxable status date after there is a violation of the terms and conditions of the conservation easement or such conservation easement agreement is canceled.

* NB There are 2 § 491-b's

§ 492. Ascertainment of amount of special assessment in certain cases. If a portion of a parcel of real property is subject to taxation pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred twenty-four, four hundred twenty-six, four hundred thirty, four hundred thirty-six or four hundred thirty-eight of this article, the amount of any special assessment to be levied on such portion shall be ascertained by considering the benefit to the property to be in the same

proportion as the assessed valuation of the taxable portion of the property bears to the assessed valuation of the property.

§ 494. Taxation of exempt property upon transfer of title or possession in certain instances. 1. The provisions of this section shall apply only in a city having a population of one million or more.

2. Whenever any person, association or corporation not entitled to an exemption from taxation acquires title to or possession of property which is exempt from taxation, such property shall immediately become subject to taxation and shall be taxed pro rata for the unexpired portion of the taxable year. However, if the United States or the state of New York, through the exercise of the power of eminent domain acquires or shall have acquired temporarily the possession, occupation or use of real property which was previously exempt from taxation pursuant to former section four of the tax law, such previous exemption shall be deemed to continue unbroken and to resume from the date when the possession shall have been restored to the owner and the previously exempt use resumed, despite the fact that such property may be or may have been deemed taxable during the period when the United States or the state of New York acquired or shall have acquired such temporary possession, occupation or use.

3. If taxes on any such property become due and payable for the entire taxable year on a single date, and any such change in title or possession takes place prior to such due date, the pro rata portion of taxes imposed upon such property pursuant to this section shall become due and payable and shall become a lien upon such property upon such due date, but if such change in title or possession takes place after such due date, such pro rata portion of taxes shall become due and payable and shall become a lien upon such property on the date when such change in title or possession takes place. If taxes embracing such property become due and payable on two dates in equal installments, and any such change in title or possession takes place prior to the earlier of such due dates, the pro rata portion of the first installment shall become due and payable and shall become a lien on such property on such earlier

due date, and the entire second installment shall become due and payable and shall become a lien on such property on the later of such due dates; if any such change in title or possession takes place between such due dates, the entire pro rata portion of the taxes to which such property is subject for the taxable year pursuant to this section shall become due and payable and shall become a lien on such property upon such later due date; if any such transfer of title or possession takes place after the later of such due dates, the pro rata portion of taxes to which such property is subject for the taxable year pursuant to this section shall become due and payable and shall become a lien on such property upon the date of such transfer of title or possession. If taxes embracing such property become due and payable on more than two dates in equal installments, and any such change in title or possession takes place prior to the first due date, or between due dates, the pro rata portion of the first installment or of a subsequent installment affected by such change, as the case may be, shall become due and payable and shall become a lien on such property on the due date next following such change in title or possession, and the remaining installments shall become due and payable and shall become a lien on such property on their respective due dates; if any such transfer of title or possession takes place after the last due date in a taxable year, the pro rata portion of tax to which such property is subject for the taxable year pursuant to this section shall become due and payable and shall become a lien on such property upon the date of such transfer of title or possession.

4. No right granted by this article to any person, association or corporation to lease or otherwise use for income-producing purposes any property of such person, association or corporation, without terminating the tax exemption of such property in whole or in part, shall be impaired or diminished by this section, but if any change of title or possession of any property, shall, by virtue of the provisions of this article, terminate the tax exemption of such property, in whole or in part, the provisions of this section shall apply with full force and effect to the extent that such property shall cease to be tax exempt by virtue of the provisions of such article.

§ 494-a. Exemption from taxation of property upon transfer of title in certain instances. 1. The provisions of this section shall apply only in a city having a population of one million or more.

2. Whenever any corporation or association entitled to exemption from taxation pursuant to paragraph (a) of subdivision one of section four hundred twenty-a or paragraph (a) of subdivision one of section four hundred twenty-b of this chapter, or any local law adopted pursuant to such provisions, acquires title to real property that is not exempt, in whole or in part from taxation, such property shall, if it otherwise qualifies for exemption pursuant to such provisions, be immediately subject to exemption upon the date of transfer of title of such property to such corporation or association.

3. Notwithstanding any other provision of law to the contrary, applications for exemption pursuant to this section for fiscal years as to which the applicable taxable status date has passed may be filed at any time after the transfer of title of such property to such corporation or association. The city department of finance shall make a determination as to the qualification of the property for exemption and shall notify the applicant and the city tax commission of the exempt amount, if any, and the right of the owner to a review of the determination of the city department of finance by filing an application for correction of assessment. Notwithstanding the foregoing provision, an application for exemption shall be deemed to be denied on the ninetieth day after the submission of such application where the city department of finance has not made a determination on such application prior to such ninetieth day.

4. Notwithstanding any other provision of law to the contrary, where determinations on such applications for exemption are made after the filing of the tentative assessment roll, the commissioner of finance of such city is authorized to reduce the amount of taxes accordingly and, if such taxes have been paid, to refund or credit the amount of any such reduction. An applicant may seek review of a determination on an application for exemption by filing an application for correction of assessment in the manner provided in the charter of such city except

that where a determination on an application for exemption is made after the filing of the tentative assessment roll, an applicant may seek review of such determination by filing an application for correction of assessment within thirty days after notice of such determination is mailed to the applicant or, if applicable, within thirty days after the application for exemption is deemed to be denied pursuant to subdivision three of this section.

5. Notwithstanding any other provision of law to the contrary, where a determination on an application for exemption pursuant to this section is made after the filing of the tentative assessment roll, a proceeding for review of such assessment pursuant to article seven of this chapter shall be commenced within thirty days after notice of the determination of the city tax commission is mailed to the applicant.

§ 495. Exemption reports. 1. Whenever a county, city, town, village or school district is required to prepare an annual budget, the official required to prepare a tentative or preliminary version of that budget shall annex thereto an exemption report. This report shall be on a form prescribed by the commissioner and shall show how much of the total assessed value on the final assessment roll or rolls used in that budgetary process is exempt from taxation. This report shall list every type of exemption granted, identified by statutory authority, and shall show (a) the cumulative impact of each type of exemption expressed either as a dollar amount of assessed value or as a percentage of the total assessed value on the roll, (b) the cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services, and (c) the cumulative impact of all exemptions granted. Exemptions that result in an impact of less than one percent may be aggregated as a single entry. In no case shall an individual exemption recipient be named in the report.

2. Notice of this report shall be included in any notice of the preparation of the budget otherwise required by law. The report shall be posted on any bulletin board maintained by the budgeting authority for

public notices and on any website maintained by the budgeting authority. This report shall be annexed to any tentative or preliminary budget and shall become part of the final budget.

§ 496. Voluntary renunciation of an exemption. 1. A property owner who wishes to give up his or her claim to an exemption on one or more preceding assessment rolls may renounce the exemption in the manner provided by this section.

2. An application to renounce an exemption shall be made on a form prescribed by the commissioner and shall be filed with the county director of real property tax services no later than ten years after the levy of taxes upon the assessment roll on which the renounced exemption appears. The county director, after consulting with the assessor as appropriate, shall compute the total amount owed on account of the renounced exemption as follows:

(a) For each assessment roll on which the renounced exemption appears, the assessed value that was exempted shall be multiplied by the tax rate or rates that were applied to that assessment roll, or in the case of a renounced STAR exemption, the tax savings calculated pursuant to subdivision two of section thirteen hundred six-a of this chapter. Interest shall then be added to each such product at the rate prescribed by section nine hundred twenty-four-a of this chapter or such other law as may be applicable for each month or portion thereon since the levy of taxes upon such assessment roll.

(b) The sum of the calculations made pursuant to paragraph (a) of this subdivision with respect to all of the assessment rolls in question shall be determined.

(c) A processing fee of five hundred dollars shall be added to the sum determined pursuant to paragraph (b) of this subdivision, unless the provisions of paragraph (d) of this subdivision are applicable.

(d) If the applicant is renouncing a STAR exemption in order to qualify for the personal income tax credit authorized by subsection (eee) of section six hundred six of the tax law, and no other exemptions are being renounced on the same application, or if the applicant is renouncing a STAR exemption before school taxes have been levied on the

assessment roll upon which that exemption appears, no processing fee shall be applicable.

3. After computing the total amount due on account of the renounced exemption, the county director shall return the form to the applicant with the total amount due noted thereon. A copy of such form shall be provided to the assessor, and in the case of the STAR exemption, to the commissioner. Within fifteen days after the mailing of such form, the applicant shall pay the total amount due as shown thereon to the county treasurer, who shall issue a receipt for such payment. After deducting the processing fee, the county treasurer shall distribute the amount collected among the affected municipal corporations according to the taxes and interest owing to each, provided that in the case of the STAR exemption authorized by section four hundred twenty-five of this article, the amount collected, including interest, shall be paid to the state in the manner directed by the commissioner.

4. Notwithstanding the foregoing provisions of this section, in a city with a population of one million or more, an exemption may be renounced on a form prescribed by the commissioner of finance, and the duties imposed by this section upon the county treasurer shall be performed by the commissioner of finance.

§ 497. Construction of certain local option provisions in exemption statutes. 1. Population restrictions. When an exemption statute makes one or more options available to municipal corporations having a population within a specified range, and the governing body of a municipal corporation adopts a local law or resolution exercising such an option while its population is within the specified range, a subsequent change in the population of the municipal corporation that places it outside the specified range shall not render such local law or resolution ineffective or invalid, nor shall it impair the ability of the governing body to amend or repeal such local law or resolution to the same extent as if its population were still within the specified range. Provided, however, that this subdivision shall not apply to any exemption statute that expressly provides that a local law or resolution

adopted thereunder shall become ineffective or invalid if the population of the municipal corporation subsequently experiences a change that places it outside the specified range.

2. Filing provisions. When an exemption statute makes one or more options available to some or all municipal corporations, and further provides that a municipal corporation adopting a local law or resolution exercising such an option shall file a copy thereof with one or more state agencies other than the department of state, but if such statute does not expressly provide that a local law or resolution exercising such an option shall not take effect until a copy thereof is filed with the specified state agency or agencies, then a failure to comply with such filing provision shall not render such local law or resolution ineffective or invalid.

TITLE 4

TAX ABATEMENT FOR CERTAIN COMMERCIAL PROPERTIES IN A CITY OF ONE MILLION OR MORE PERSONS

Section 499-a. Definitions.

499-b. Real property tax abatement.

499-c. Eligibility requirements.

499-d. Application for certificate of abatement.

499-e. Enforcement and administration.

499-f. Reporting requirements; revocation of abatements.

499-g. Tax lien; interest and penalty.

499-h. Confidentiality.

§ 499-a. Definitions. When used in this title, the following terms shall mean or include:

1. "Abatement base." The lesser of (a) two dollars and fifty cents of the tax liability per square foot or (b) fifty per centum of the tax liability per square foot; provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, the abatement base shall equal the tax liability per square foot subject

to a maximum of two dollars and fifty cents per square foot.

2. "Abatement zone." Any area of a city having a population of one million or more, provided that in the city of New York the abatement zone shall be the area in the borough of Manhattan bounded by Murray Street on the north starting at the intersection of West Street and Murray Street; running easterly along the center line of Murray Street, connecting through City Hall Park with the center line of Frankfort Street and running easterly along the center lines of Frankfort and Dover Streets to the intersection of Dover Street and South Street; running southerly along the center line of South Street to Peter Minuit Plaza; connecting through Peter Minuit Plaza to the center line of State Street and running northwesterly along the center line of State Street to the intersection of State Street and Battery Place; running westerly along the center line of Battery Place to the intersection of Battery Place and West Street; and running northerly along the center line of West Street to the intersection of West Street and Murray Street. Any tax lot which is partly located inside the abatement zone shall be deemed to be entirely located inside such area.

3. "Aggregate floor area." The sum of the gross areas of the several floors of a building, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings.

4. "Applicant." The landlord and the tenant.

5. "Benefit period." The period commencing with the first day of the month immediately following the rent commencement date and terminating no later than sixty months thereafter, provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven with an initial lease term of less than five years, but not less than three years, the period commencing with the first day of the month immediately following the rent commencement date and terminating no later than thirty-six months thereafter. Notwithstanding the foregoing sentence, a benefit period shall expire no later than March thirty-first, two thousand thirty-four.

6. "Billable assessed value." The lesser of the taxable transitional or the taxable actual assessed value of the eligible building and the land on which the eligible building is located for the fiscal year in which the benefit period commences, as computed pursuant to subdivision three of section one thousand eight hundred five of this chapter.

7. "Department of finance." The department of finance of any city having a population of one million or more.

8. "Eligible building." A non-residential or mixed-use building located in the abatement zone which received its initial certificate of occupancy or initial temporary certificate of occupancy prior to January first, nineteen hundred seventy-five; provided that if no certificate of occupancy was required at the time the building was constructed, other proof acceptable to the department of finance is submitted which demonstrates that the building was constructed prior to January first, nineteen hundred seventy-five; and provided further that eligible building shall not include any building owned by a governmental agency. Each condominium unit in a building which meets the requirements of this subdivision shall be considered a separate eligible building.

9. "Eligibility period." The period commencing April first, nineteen hundred ninety-five and terminating March thirty-first, two thousand twenty-eight.

10. "Eligible premises." Premises located in an eligible building which (a) are (i) occupied or used as offices (including ancillary uses); or (ii) occupied or used as retail space; or (iii) occupied or used as a private elementary or secondary school and (b) are occupied or used by a tenant under a lease which meets the eligibility requirements of section four hundred ninety-nine-c of this title.

11. "Expansion premises." Eligible premises leased by an expansion tenant to accommodate additional employees.

12. "Expansion tenant." A person who (a) occupies premises in an eligible building under a lease which does not expire during the

eligibility period and (b) executes a lease for expansion premises in such eligible building or in another eligible building which lease meets the eligibility requirements of section four hundred ninety-nine-c of this title. For purposes of determining whether expansion premises are located in the same or in another eligible building, the last sentence of subdivision eight of this section shall not be applicable.

13. "Fiscal year." The fiscal year of any city having a population of one million or more.

14. "Governmental agency." The United States of America or any agency or instrumentality thereof, the state of New York, the city of New York, any public corporation (including a body corporate and politic created pursuant to agreement or compact between the state of New York and any other state), public benefit corporation, public authority or other political subdivision of the state.

15. "Landlord." Any person who (a) controls all non-residential portions of an eligible building, including, without limitation, the record owner, the lessee under a ground lease, any mortgagee in possession or any receiver, and (b) who grants the right to use or occupy eligible premises to any tenant, provided that landlord shall not include any lessee who at any time during the lease term occupied or used or occupies or uses any part of the non-residential portions of such eligible building, other than premises occupied or used by such lessee to provide rental or management services to such building.

16. "Lease commencement date." The date set forth in the lease on which the term of the lease commences.

17. "Mixed-use building." A building used for both residential and commercial purposes, provided that more than twenty-five per centum of the aggregate floor area of such building is used or held out for use as commercial, community facility or accessory use space.

18. "New tenant." A person who (a) (i) is relocating or expanding from premises in a relocation area to eligible premises, or (ii) occupies

premises in an eligible building under a lease which expires during the eligibility period and is relocating or expanding to eligible premises, or (iii) occupies premises in the abatement zone in a building which is not an eligible building and is relocating or expanding to eligible premises, or (iv) does not occupy any premises immediately prior to executing a lease for eligible premises, or (v) is an owner of a building in the abatement zone who is relocating or expanding to eligible premises, and (b) executes a lease which meets the eligibility requirements of section four hundred ninety-nine-c of this title.

19. "Person." An individual, corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.

20. "Relocation area." The area in the borough of Manhattan south of the center line of 96th Street or any area outside the city of New York; provided that the abatement zone shall not be a relocation area.

21. "Renewal tenant." A person who (a) occupies premises in an eligible building under a lease which expires during the eligibility period and (b) executes a lease for the continued occupancy of all or part of such premises or all or part of such premises and additional premises in such eligible building, provided such premises are eligible premises and such lease meets the eligibility requirements of section four hundred ninety-nine-c of this title.

22. "Rent commencement date." The date set forth in the lease on which the obligation to pay basic fixed rent shall commence.

23. "Subtenant." A person whose right to occupy and use the eligible premises is not derived from a lease with the landlord.

24. "Tax commission." The tax commission in any city having a population of one million or more.

25. "Tax liability." The product obtained by multiplying the billable assessed value for the fiscal year in which the benefit period commences

by the tax rate applicable to the eligible building for such fiscal year as set by the local legislative body of any city having a population of one million or more.

26. "Tax liability per square foot." The tax liability divided by the total number of square feet in the eligible building, as listed on the records of the department of finance.

27. "Tenant." A person (including any successors in interest) who executes a lease with the landlord for the right to occupy or use the eligible premises and who occupies or uses the eligible premises pursuant to such lease. Tenant shall not include any subtenant. When used in this title, "tenant" includes "expansion tenant," "new tenant" and "renewal tenant."

28. "Tenant's percentage share." The percentage of the eligible building's aggregate floor area allocated to the eligible premises, which shall be presumed to be such percentage as set forth in the lease for the eligible premises; provided that where the eligible premises includes expansion premises, the "tenant's percentage share" shall be calculated on the basis of the percentage of the eligible building's aggregate floor area allocated solely to the expansion premises.

§ 499-b. Real property tax abatement. 1. Except as provided in subdivision one-a of this section, within a city having a population of one million or more, eligible buildings containing eligible premises shall receive an abatement of real property taxes during the benefit period as follows:

(a) for each of the first three years of the benefit period, the abatement shall be equal to the product obtained by (i) multiplying the tenant's percentage share by the number of square feet in the eligible building, as listed on the records of the department of finance and (ii) multiplying the product obtained in subparagraph (i) of this paragraph by the abatement base;

(b) for the fourth year of the benefit period, the abatement shall be equal to two-thirds of the abatement in the first year of the benefit

period; and

(c) for the fifth year of the benefit period, the abatement shall be equal to one-third of the abatement in the first year of the benefit period.

1-a. Within a city having a population of one million or more, eligible buildings containing eligible premises occupied or used by a tenant pursuant to a lease having a lease commencement date on or after April first, nineteen hundred ninety-seven with an initial lease term of less than five years, but not less than three years, shall receive an abatement of real property taxes during the benefit period as follows:

(a) for the first year of the benefit period, the abatement shall be equal to the product obtained by (i) multiplying the tenant's percentage share by the number of square feet in the eligible building, as listed on the records of the department of finance and (ii) multiplying the product obtained in subparagraph (i) of this paragraph by the abatement base;

(b) for the second year of the benefit period, the abatement shall be equal to two-thirds of the abatement in the first year of the benefit period; and

(c) for the third year of the benefit period, the abatement shall be equal to one-third of the abatement in the first year of the benefit period.

2. If, as a result of application to the tax commission or a court order or action by the department of finance, the billable assessed value is reduced, the department of finance shall recalculate the abatement utilizing such reduced billable assessed value. The amount equal to the difference between the abatement originally granted and the abatement as so recalculated shall be deducted from any refund otherwise payable or remission otherwise due as a result of such reduction in billable assessed value, and any balance of such amount remaining unpaid after making any such deduction shall be paid to the department of finance within thirty days from the date of mailing by the department of finance of a notice of the amount payable. Such amount payable shall constitute a tax lien on the eligible building as of the date of such notice and, if not paid within such thirty-day period, penalty and

interest at the rate applicable to delinquent taxes on such eligible building shall be charged and collected on such amount from the date of such notice to the date of payment.

3. In no event shall the abatement for the eligible premises granted pursuant to this title exceed the tax liability allocable to the eligible premises.

4. Notwithstanding the provisions of any lease for occupancy of non-eligible premises in an eligible building or for occupancy of eligible premises for which no certificate of abatement has been issued pursuant to this title, a lessee of non-eligible premises or of eligible premises for which no certificate of abatement has been issued pursuant to this title shall not be entitled to receive directly or indirectly a reduction in either the real property taxes or any rent (including additional rent) payable pursuant to such lease where such reduction would result from an abatement of real property taxes granted pursuant to this title. A landlord of an eligible building shall not allocate, credit, assign or disburse any portion of an abatement granted pursuant to this title to a lessee of non-eligible premises or of eligible premises for which no certificate of abatement has been issued pursuant to this title. A landlord shall not be required to reduce the real property taxes or any rent (including additional rent) payable by expansion tenants, new tenants and renewal tenants by an amount that exceeds the full amount of the abatement granted pursuant to this title, but a landlord shall be required to reduce the real property taxes or any rent (including additional rent) payable by expansion tenants, new tenants and renewal tenants by an amount that, in the aggregate, equals the full amount of the abatement granted pursuant to this title. Such reduction shall be allocated in accordance with the abatement granted for the eligible premises occupied by each such tenant.

5. (a) A tenant who occupies or uses eligible premises for which a certificate of abatement is issued pursuant to this title shall not be eligible to receive a second certificate of abatement for the same eligible premises. A tenant who occupies or uses eligible premises for which a certificate of abatement is issued pursuant to this title and

who, upon the expiration of the lease for such eligible premises, relocates to otherwise eligible premises, shall not be eligible to receive a certificate of abatement for such otherwise eligible premises, except to the extent that the square footage of such otherwise eligible premises exceeds the square footage of all eligible premises previously occupied or used by such tenant for which such tenant held a certificate of abatement. If the square footage of such otherwise eligible premises exceeds the square footage of all such eligible premises previously occupied or used by such tenant and if there is any variation in the tax liability per square foot of such otherwise eligible premises, then, for purposes of determining which square footage in such otherwise eligible premises is entitled to an abatement pursuant to this title, square footage with the greatest tax liability per square foot, in an amount equal to the square footage of all such eligible premises previously occupied or used by such tenant, shall first be excluded.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, a tenant who is eligible in accordance with the provisions of this title, who occupies or uses eligible premises for which a certificate of abatement is issued pursuant to this title and who, upon the termination of the lease for such premises as a result of a taking by eminent domain, relocates to otherwise eligible premises, shall be eligible to receive a second certificate of abatement for such eligible premises; provided, however, that such tenant shall have eighteen months from the date that the lease has terminated, as a result of the taking by eminent domain, or eighteen months from the effective date of this paragraph, whichever is later, to relocate to such eligible premises.

§ 499-c. Eligibility requirements. 1. No abatement shall be granted pursuant to this title unless:

(a) the landlord enters into a lease for eligible premises with a new tenant or a renewal tenant and:

(1) the lease commencement date is within the eligibility period;

(2) (i) if, by the sixtieth day following the rent commencement date, such new or renewal tenant employs one hundred twenty-five or fewer employees in the eligible premises, the initial lease term is for a period of at least five years or, with respect to a lease commencing on

or after April first, nineteen hundred ninety-seven, the initial lease term is for a period of at least three years; or (ii) if, by the sixtieth day following the rent commencement date, such new or renewal tenant employs more than one hundred twenty-five employees in the eligible premises, the initial lease term is for a period of at least ten years; and

(3) (i) if the lease is with a new tenant required to sign a lease with an initial lease term of at least five years, expenditures on improvements to the eligible premises and the common areas of the eligible building are in an amount at least equal to ten dollars per square foot, provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, if, by the sixtieth day following the rent commencement date, the new tenant employs one hundred twenty-five or fewer employees in the eligible premises, expenditures on improvements to the eligible premises and the common areas of the eligible building are in an amount at least equal to five dollars per square foot; or (ii) if the lease is with a new tenant required to sign a lease with an initial lease term of at least ten years, expenditures on improvements to the eligible premises and the common areas of the eligible building are in an amount at least equal to thirty-five dollars per square foot; or (iii) if the lease is with a renewal tenant, expenditures on improvements to the eligible premises and the common areas of the eligible building are in an amount at least equal to ten dollars per square foot for any premises previously occupied by such renewal tenant, provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, if, by the sixtieth day following the rent commencement date, the renewal tenant employs one hundred twenty-five or fewer employees in the eligible premises previously occupied by such renewal tenant, expenditures on improvements to the eligible premises and the common areas of the eligible building are in an amount at least equal to five dollars per square foot; and in an amount at least equal to the amount specified in clause (i) or (ii) of this subparagraph, depending upon the required initial lease term, for any premises not previously occupied by such renewal tenant; or

(b) the landlord enters into a lease with an expansion tenant for expansion premises and:

(1) the lease commencement date is within the eligibility period;

(2) (i) if, by the sixtieth day following the rent commencement date, such expansion tenant employs one hundred twenty-five or fewer employees in the expansion premises, the initial lease term for the expansion premises is for a period of at least five years or, with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, the initial lease term is for a period of at least three years; or (ii) if, by the sixtieth day following the rent commencement date, such expansion tenant employs more than one hundred twenty-five employees in such expansion premises, the initial lease term for the expansion premises is for a period of at least ten years; and

(3) (i) if the lease is with an expansion tenant required to sign a lease with an initial lease term of at least five years, expenditures on improvements to the expansion premises and the common areas of the eligible building are in an amount at least equal to ten dollars per square foot, provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, if, by the sixtieth day following the rent commencement date, the expansion tenant employs one hundred twenty-five or fewer employees in the expansion premises, expenditures on improvements to the expansion premises and the common areas of the eligible building are in an amount at least equal to five dollars per square foot; or (ii) if the lease is with an expansion tenant required to sign a lease with an initial lease term of at least ten years, expenditures on improvements to the expansion premises and the common areas of the eligible building are in an amount at least equal to thirty-five dollars per square foot.

2. No abatement shall be granted pursuant to this title if an applicant shall fail to meet any of the requirements of this title within sixty days of the rent commencement date; provided that for a lease with a renewal tenant, the expenditures on improvements required by subdivision one of this section shall be made within one year of the lease commencement date.

3. (a) For purposes of determining whether the amount of expenditures required by subdivision one of this section have been satisfied, expenditures on improvements to the common areas of an eligible building

shall be included only if work on such improvements commenced and the expenditures are made on or after April first, nineteen hundred ninety-five and on or before September thirtieth, two thousand twenty-eight; provided, however, that expenditures on improvements to the common areas of an eligible building made prior to three years before the lease commencement date shall not be included.

(b) The landlord may allocate expenditures on improvements to the common areas of an eligible building to eligible tenants in such manner as reasonably relates to such eligible tenants.

4. For purposes of this title, the expiration date of a lease shall be determined by the expiration date set forth in such lease, without giving effect to any rights of the landlord or the tenant to terminate such lease prior to the expiration date set forth therein.

5. The lease for the eligible premises shall contain the following provisions:

(a) a statement of the tenant's percentage share;

(b) a statement informing the tenant in at least twelve-point type that:

(1) an application for abatement of real property taxes pursuant to this title will be made for the premises;

(2) the rent, including amounts payable by the tenant for real property taxes, will accurately reflect any abatement of real property taxes granted pursuant to this title for the premises;

(3) at least ten dollars per square foot or thirty-five dollars per square foot must be spent on improvements to the premises and the common areas, the amount being dependent upon the length of the lease and whether it is a new or a renewal lease, provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, if, by the sixtieth day following the rent commencement date, the tenant employs one hundred twenty-five or fewer employees in the relevant premises, at least five dollars per square foot must be spent on improvements to the premises and the common areas; and

(4) all abatements granted with respect to a building pursuant to this title will be revoked if, during the benefit period, real estate taxes or water or sewer charges or other lienable charges are unpaid for more

than one year, unless such delinquent amounts are paid as provided in subdivision four of section four hundred ninety-nine-f of this title.

6. No abatement shall be granted pursuant to this title if:

(a) a tenant has relocated from any area of the borough of Manhattan north of the center line of 96th Street or from any portion of the boroughs of the Bronx, Brooklyn, Queens, or Staten Island;

(b) the lease for the eligible premises provides that during the initial lease term required by subdivision one of this section either the landlord or the tenant may terminate such lease prior to the expiration date of such required initial lease term; provided that such lease may provide that either the landlord or the tenant may terminate such lease if (1) the other party is in default of any of such party's obligations under the lease, (2) the eligible premises are damaged or destroyed by fire or other casualty, (3) the eligible premises are rendered unusable for any reason not attributable to any act or failure to act of either tenant or landlord, or (4) the eligible premises are acquired by eminent domain; and

(c) there are real property taxes, water or sewer charges or other lienable charges currently due and owing on the eligible building which is the subject of an application for abatement pursuant to this title, unless such real property taxes or charges are currently being paid in timely installments pursuant to a written agreement with the department of finance or other appropriate agency.

7. No abatement shall be granted pursuant to this title unless the applicant shall file, together with the application, an affidavit setting forth the following information:

(a) a statement that within the seven years immediately preceding the date of application for a certificate of abatement, neither the applicant nor any person owning a substantial interest in the eligible building as defined in paragraph (c) of this subdivision, nor any officer, director or general partner of the applicant or such person was finally adjudicated by a court of competent jurisdiction to have violated section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction with respect to any building, or was

an officer, director or general partner of a person at the time such person was finally adjudicated to have violated such law; and

(b) a statement setting forth any pending charges alleging violation of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction with respect to any building by the applicant or any person owning a substantial interest in the eligible building as defined in paragraph (c) of this subdivision, or any officer, director or general partner of the applicant or such person, or any person for whom the applicant or person owning a substantial interest in the eligible building is an officer, director or general partner.

(c) for purposes of this subdivision and subdivision seven of section four hundred ninety-nine-f of this title, "substantial interest" shall mean ownership and control of an interest of ten per centum or more in the eligible building or in any person owning the eligible building.

§ 499-d. Application for certificate of abatement. 1. Application for a certificate of abatement may be made on or after April first, nineteen hundred ninety-five and until sixty days after the end of the eligibility period, and shall be filed with the department of finance. No application may be filed prior to the date on which the lease for the eligible premises is executed by the landlord and tenant.

2. No abatement pursuant to this title shall be granted unless the applicant files an application for a certificate of abatement within sixty days following the lease commencement date or within sixty days following the date chapter four of the laws of nineteen hundred ninety-five became a law, whichever is later. Notwithstanding the foregoing sentence and any other provision of law to the contrary, with respect to leases commencing on or after April first, nineteen hundred ninety-five and before July first, nineteen hundred ninety-six, an application for a certificate of abatement shall be considered timely filed if filed within one hundred eighty days following the lease commencement date or within one hundred eighty days following the date chapter four of the laws of nineteen hundred ninety-five became a law,

whichever is later.

3. In addition to any other information required by the department of finance, the application for a certificate of abatement shall include an abstract of the lease for the eligible premises for which an abatement is being sought which abstract is signed by the landlord and the tenant. Such abstract shall include the tenant's percentage share, the lease commencement date, the rent commencement date, the expiration date for such lease and a description of the improvements to be made to the eligible premises and the common areas of the eligible building, including the estimated value of such improvements. Such application shall also include (i) a statement that the amount of the expenditures on such improvements will equal or exceed the amount required by section four hundred ninety-nine-c of this title, (ii) a statement of the number of persons who will, on the rent commencement date, be employed in the eligible premises, (iii) a statement of the location of all office or retail space in the city of New York occupied by the tenant prior to the execution of the lease for the eligible premises, (iv) the commencement and expiration dates of all leases for premises in the abatement zone used or occupied as office or retail space and (v) the aggregate floor area of the eligible building. Such application shall also state that the applicant agrees to comply with and be subject to the rules issued from time to time by the department of finance.

4. Within sixty days following the rent commencement date, the applicant shall provide, in addition to any other information required by the department of finance, evidence acceptable to the department of finance that the number of employees in the eligible premises or in the case of an expansion tenant, in the expansion premises, and the expenditures on improvements to the eligible premises and the common areas of the eligible building or, in the case of an expansion tenant, to the expansion premises and the common areas of the eligible building meet the requirements of section four hundred ninety-nine-c of this title; provided that for a renewal tenant, evidence acceptable to the department of finance that expenditures on improvements to the eligible premises and the common areas of the eligible building meet the requirements of section four hundred ninety-nine-c of this title shall

be submitted within fourteen months of the lease commencement date. The department of finance shall issue a certificate of abatement upon determining that the applicant has submitted proof acceptable to the department of finance that the applicant has met the requirements set forth in this title; provided that, with respect to a renewal tenant, the department of finance shall issue a certificate of abatement upon determining that the applicant has, not later than sixty days following the rent commencement date, submitted to the department of finance (i) proof acceptable to the department of finance that the requirements of section four hundred ninety-nine-c of this title concerning the requisite number of employees has been met, (ii) a certification that the applicant intends to meet the requirements of such section four hundred ninety-nine-c concerning expenditures on improvements within the time specified in such section and (iii) such additional information as the department of finance shall require.

5. The burden of proof shall be on the applicant to show by clear and convincing evidence that the requirements for granting a certificate of abatement have been satisfied. The department of finance shall have the authority to require that statements in connection with such application be made under oath.

6. The department of finance may provide by rule for reasonable administrative charges or fees necessary to defray expenses in administering the abatement program provided by this title.

7. Except as otherwise provided in this subdivision, leases commencing on or after July first, nineteen hundred ninety-six and before April first, nineteen hundred ninety-seven shall be subject to the provisions of this title as amended by chapter four hundred seventy-two of the laws of nineteen hundred ninety-six. Notwithstanding any other provision of law to the contrary, with respect to leases commencing on or after July first, nineteen hundred ninety-six, an application for a certificate of abatement shall be considered timely filed if filed within one hundred eighty days following the lease commencement date or within sixty days following the date chapter four hundred seventy-two of the laws of nineteen hundred ninety-six became a law, whichever is later. Except as

otherwise provided in subdivision two of this section, leases commencing before July first, nineteen hundred ninety-six shall be subject to the provisions of this title as in effect prior to its amendment by chapter four hundred seventy-two of the laws of nineteen hundred ninety-six.

8. Leases commencing on or after April first, nineteen hundred ninety-seven shall be subject to the provisions of this title as amended by chapter six hundred twenty-nine of the laws of nineteen hundred ninety-seven, chapter one hundred eighteen of the laws of two thousand one, chapter four hundred forty of the laws of two thousand three, chapter sixty of the laws of two thousand seven, chapter twenty-two of the laws of two thousand ten, chapter fifty-nine of the laws of two thousand fourteen, chapter twenty of the laws of two thousand fifteen, chapter sixty-one of the laws of two thousand seventeen, chapter fifty-eight of the laws of two thousand twenty, and the chapter of the laws of two thousand twenty-three that amended this phrase. Notwithstanding any other provision of law to the contrary, with respect to leases commencing on or after April first, nineteen hundred ninety-seven, an application for a certificate of abatement shall be considered timely filed if filed within one hundred eighty days following the lease commencement date or within sixty days following the date chapter six hundred twenty-nine of the laws of nineteen hundred ninety-seven became a law, whichever is later.

§ 499-e. Enforcement and administration. The department of finance shall have, in addition to any other functions, powers and duties which have been or may be conferred on it by law, the following functions, powers and duties:

1. To receive and review applications for certificates of abatement under this title and issue such certificates where authorized pursuant to this title.

2. To receive evidence of expenditures made on improvements to the eligible premises and the common areas of the eligible building.

3. To receive all certificates of continuing eligibility required by section four hundred ninety-nine-f of this title.

4. To collect all real property taxes, with interest and penalty, due and owing as a result of reduction, termination or revocation of any abatement granted pursuant to this title.

5. To make and promulgate rules to carry out the purposes of this title.

§ 499-f. Reporting requirements; revocation of abatements. 1. For the duration of the applicant's benefit period, the applicant shall file annually with the department of finance, on or before July first of each year, a certificate of continuing eligibility confirming that the eligible premises are occupied by the tenant who originally executed the lease and that the eligible premises are being used for the purposes described in the application. Such certificate of continuing eligibility shall be on a form prescribed by the department of finance and shall contain such additional information as the department of finance shall require. The department of finance shall have the authority to determine the abatements granted pursuant to this title upon failure of an applicant to file such certificate by such July first date. The burden of proof shall be on the applicant to establish continuing eligibility for benefits and the department of finance shall have the authority to require that statements made in such certificate shall be made under oath.

2. The department of finance shall revoke any abatement granted pursuant to this title when the tenant who originally executed the lease is no longer occupying the eligible premises. Such revocation shall be retroactive to the date that such tenant vacated the eligible premises and the department of finance shall require the landlord to pay, with interest, any taxes which become payable as a result of such revocation. The landlord shall notify the department of finance within thirty days following the date on which such tenant vacated the eligible premises and, for failure to comply with this notification requirement, shall be

liable for penalty calculated for the same period as interest is calculated pursuant to the preceding sentence.

3. If any portion of the premises for which an abatement has been granted pursuant to this title ceases to be occupied or used as eligible premises or is occupied by a subtenant, the department of finance shall reduce the abatement granted pursuant to this title by an amount equal to the percentage of such eligible premises which has ceased to be occupied or used as eligible premises or is occupied by a subtenant. Such reduction shall be retroactive to the date that such premises ceased to be occupied or used as eligible premises or was occupied by a subtenant, and the department of finance shall require the landlord to pay, with interest, any taxes which become payable as a result of such reduction. The landlord shall notify the department of finance within thirty days following the date on which the premises ceased to be occupied or used as eligible premises or was occupied by a subtenant and, for failure to comply with this notification requirement, shall be liable for penalty calculated for the same period as interest is calculated pursuant to the preceding sentence.

4. If, during the benefit period, any real property tax or water or sewer charge or other lienable charge due and payable with respect to an eligible building shall remain unpaid for at least one year following the date upon which such tax or charge became due and payable, all abatements granted pursuant to this title with respect to such building shall be revoked, unless within thirty days from the mailing of a notice of revocation by the department of finance satisfactory proof is presented to the department of finance that any and all delinquent taxes and charges owing with respect to such building as of the date of such notice have been paid in full or are currently being paid in timely installments pursuant to a written agreement with the department of finance or other appropriate agency. Any revocation pursuant to this subdivision shall be effective with respect to real property taxes which become due and payable following the date of such revocation.

5. The department of finance may deny, reduce, suspend, terminate or revoke any abatement granted pursuant to this title whenever:

(a) the landlord or the tenant receiving abatement pursuant to this title fails to comply with the requirements of this title or the rules promulgated hereunder; or

(b) an application, certificate, report or other document submitted by the applicant contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statement therein not false or misleading, and may declare any applicant who makes such false or misleading statement or omission to be ineligible for future abatement pursuant to this title for the same or other property. In addition, the department of finance shall require the applicant to pay, with penalty and interest, any abatement received pursuant to this title as a result of such false or misleading statement or omission of a material fact.

6. Notwithstanding any other provision of this title, the department of finance shall deny, terminate or revoke any abatement applied for or granted pursuant to this title upon a determination that the lease between the landlord and the tenant does not constitute a bona fide arm's length lease. In making such determination, the department of finance may consider, among other factors, the relationship, if any, between the landlord and the tenant and whether the business terms of such lease are consistent with the business terms generally found in leases for comparable space.

7. (a) If any person described in the statement required by paragraph (b) of subdivision seven of section four hundred ninety-nine-c of this title or paragraph (b) of this subdivision is finally adjudicated by a court of competent jurisdiction to be guilty of any charge listed in such statement, the department of finance shall revoke the abatement granted pursuant to this title and shall require the payment, with interest, of any abatement received pursuant to this title.

(b) The applicant shall, on the certificate of continuing eligibility, state whether any charges alleging violation by the applicant or any person owning a substantial interest in the eligible building, or any officer, director or general partner of the applicant or person owning a substantial interest in the eligible building, or any person for whom the applicant or person owning a substantial interest in the eligible

building is an officer, director or general partner, of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction, are pending. For purposes of this paragraph, "substantial interest" shall have the same meaning as set forth in paragraph (c) of subdivision seven of section four hundred ninety-nine-c of this title.

8. The department of finance shall revoke any abatement granted pursuant to this title with respect to premises leased to a renewal tenant if the applicant shall fail to submit evidence acceptable to the department of finance, within the time specified in subdivision four of section four hundred ninety-nine-d of this title, that the requirements of section four hundred ninety-nine-c of this title concerning expenditures on improvements have been met within the time specified in such section four hundred ninety-nine-c. In such event, the department of finance shall require the landlord to pay, with penalty and interest, any abatement received pursuant to this title with respect to the premises in question.

§ 499-g. Tax lien; interest and penalty. All taxes, with interest, required to be paid retroactively pursuant to this title shall constitute a tax lien as of the date it is determined such taxes and interest are owed. All interest shall be calculated from the date the taxes would have been due but for the abatement granted pursuant to this title at the applicable rate or rates of interest imposed by such city generally for non-payment of real property tax with respect to the eligible building for the period in question. When a provision of this title requires the payment of a penalty in addition to interest, the amount of such penalty shall be equal to the amount of interest that would have been payable pursuant to such provision had such interest been calculated at the rate of three percent per annum.

§ 499-h. Confidentiality. 1. Except in accordance with a proper judicial order or as otherwise provided by law, it shall be unlawful for the commissioner of finance, any officer or employee of the department

of finance, the president or a commissioner or employee of the tax commission, any person engaged or retained by such department or such commission on an independent contract basis, or any person who, pursuant to this title, is permitted to inspect any information submitted by an applicant to the department of finance pursuant to this title or to whom a copy, an abstract or a portion of any such information is furnished, to divulge or make known in any manner any such information to any person not authorized pursuant to this title to inspect such information. The officers charged with custody of such information shall not be required to produce any of it or evidence of anything contained in it in any action or proceeding in any court except on behalf of the commissioner of finance in an action or proceeding under the provisions of this title, or on behalf of any party to any action or proceeding under the provisions of this title when such information or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence so much of such information or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the inspection by the legal representatives of the department of finance or the tax commission of such information submitted by any applicant who shall bring an action to correct an assessment. Nothing herein shall be construed to prohibit the delivery to an applicant or the applicant's duly authorized representative of a certified copy of any information submitted by an applicant to the department of finance pursuant to this title; or to any agency or any department of any city having a population of one million or more provided the same is requested for official business; nor to prohibit the inspection for official business of such information by the corporation counsel or other legal representatives of a city having a population of one million or more or by the district attorney of any county within such city; nor to prohibit the publication of statistics so classified as to prevent the identification of such information or particular items thereof. Information submitted by an applicant to the department of finance pursuant to this title shall not be subject to disclosure pursuant to article six of the public officers law.

2. Any violation of the provisions of subdivision one of this section

shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both, at the discretion of the court, and if the offender be an officer or employee of the department of finance or of the tax commission, the offender shall be dismissed from office.

TITLE 4-A

TAX ABATEMENT FOR CERTAIN COMMERCIAL PROPERTIES IN A CITY OF ONE MILLION OR MORE PERSONS

Section 499-aa. Definitions.

- 499-bb. Real property tax abatement.
- 499-cc. Eligibility requirements.
- 499-dd. Application for certificate of abatement.
- 499-ee. Enforcement and administration.
- 499-ff. Reporting requirements; revocation of abatements.
- 499-gg. Tax lien; interest and penalty.
- 499-hh. Confidentiality.

§ 499-aa. Definitions. When used in this title, the following terms shall mean or include:

1. "Abatement base." The lesser of (i) two dollars and fifty cents of the tax liability per square foot or (ii) fifty per centum of the tax liability per square foot; provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, the abatement base shall equal the tax liability per square foot subject to a maximum of two dollars and fifty cents per square foot.

2. "Abatement zone." (a) Any area of a city having a population of one million or more, provided that in the city of New York the abatement zone shall be any district that is zoned C4, C5 or C6 in accordance with the zoning resolution of such city in the borough of Manhattan north of the center line of 96th Street or in the boroughs of the Bronx, Brooklyn, Queens or Staten Island.

(b) In addition to the abatement zone set forth in paragraph (a) of

this subdivision, in the city of New York the abatement zone shall be any district that is zoned C4, C5, C6, M1, M2 or M3 in accordance with the zoning resolution of such city in any area of such city except the area lying south of the center line of 96th Street in the borough of Manhattan.

(c) Notwithstanding the provisions of paragraph (b) of this subdivision, the abatement zone shall also include the special garment center district as defined by chapter 1 of article XII of the zoning resolution of the city of New York.

(d) Any tax lot that is partly located inside an abatement zone shall be deemed to be entirely located inside such zone.

3. "Aggregate floor area." The sum of the gross areas of the several floors of a building, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings.

4. "Applicant." The landlord and the tenant.

5. "Benefit period." The period commencing with the first day of the month immediately following the rent commencement date and terminating no later than sixty months thereafter, provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven with an initial lease term of less than five years, but not less than three years, the period commencing with the first day of the month immediately following the rent commencement date and terminating no later than thirty-six months thereafter, and provided, further, however, that with respect to a lease commencing on or after July first, two thousand five for eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of this section with an initial lease term of not less than three years, the period commencing with the first day of the month immediately following the rent commencement date and terminating no later than one hundred twenty months thereafter. Notwithstanding the foregoing sentence, a benefit period shall expire no later than March thirty-first, two thousand seven, provided, however, that with respect to a lease commencing on or after July first, two thousand for eligible premises defined in subparagraph (i) of paragraph (b) of subdivision ten of this section, a

benefit period shall expire no later than June thirtieth, two thousand sixteen, provided, further, however that with respect to a lease commencing on or after July first, two thousand five for eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of this section, a benefit period shall expire no later than June thirtieth, two thousand twenty.

6. "Billable assessed value." The lesser of the taxable transitional or the taxable actual assessed value of the eligible building and the land on which the eligible building is located for the fiscal year in which the benefit period commences, as computed pursuant to subdivision three of section one thousand eight hundred five of this chapter.

7. "Department of finance." The department of finance of any city having a population of one million or more.

8. "Eligible building." (a) With respect to the abatement zone defined in paragraph (a) of subdivision two of this section, a non-residential or mixed-use building that has an aggregate floor area of twenty-five thousand square feet or more and that received its initial certificate of occupancy or initial temporary certificate of occupancy prior to January first, nineteen hundred seventy-five; provided that if no certificate of occupancy was required at the time the building was constructed, other proof acceptable to the department of finance is submitted that demonstrates that the building was constructed prior to January first, nineteen hundred seventy-five; and provided further that eligible building shall not include any building owned by a governmental agency. Each condominium unit in a building that meets the requirements of this subdivision shall be considered a separate eligible building.

(b) With respect to the abatement zone defined in paragraph (b) of subdivision two of this section for eligible premises defined in subparagraph (i) of paragraph (b) of subdivision ten of this section, a non-residential or mixed-use building that has an aggregate floor area of twenty-five thousand square feet or more and that received its initial certificate of occupancy or initial temporary certificate of occupancy prior to January first, nineteen hundred ninety-nine; provided that if no certificate of occupancy was required at the time the

building was constructed, other proof acceptable to the department of finance is submitted that demonstrates that the building was constructed prior to January first, nineteen hundred ninety-nine; and provided further that eligible building shall not include any building owned by a governmental agency. Each condominium unit in a building that meets the requirements of this subdivision shall be considered a separate eligible building.

(c) With respect to the abatement zone defined in paragraph (b) of subdivision two of this section for eligible premises defined in subparagraph (ii) of paragraph (b) of subdivision ten of this section and the abatement zone defined in paragraph (c) of subdivision two of this section, a non-residential building; provided that eligible building shall not include any building owned by a governmental agency. Each condominium unit in a building that meets the requirements of this subdivision shall be considered a separate eligible building.

9. "Eligibility period." The period commencing April first, nineteen hundred ninety-five and terminating March thirty-first, two thousand one, provided, however, that with respect to eligible premises defined in subparagraph (i) of paragraph (b) of subdivision ten of this section, the period commencing July first, two thousand and terminating June thirtieth, two thousand twenty-eight, and provided, further, however, that with respect to eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of this section, the period commencing July first, two thousand five and terminating June thirtieth, two thousand twenty-eight.

10. "Eligible premises." (a) With respect to the abatement zone defined in paragraph (a) of subdivision two of this section, premises located in an eligible building that (a) are occupied or used as offices (including ancillary uses) or are occupied or used as retail space and (b) are occupied or used by a tenant under a lease that meets the eligibility requirements of section four hundred ninety-nine-cc of this title, provided, however, that premises occupied or used as retail space shall not be eligible premises unless located in an eligible building the premises of which are occupied or used primarily as offices (including ancillary uses);

(b) With respect to the abatement zone defined in paragraph (b) of subdivision two of this section, premises located in an eligible building that are (i) occupied or used as offices (including ancillary uses) or are occupied or used for other lawful commercial business activities, but not premises occupied or used as retail space or for hotel or residential purposes; or (ii) occupied or used for industrial and manufacturing activities (including ancillary uses), but not premises occupied or used for hotel or residential purposes; and

(c) With respect to the abatement zone defined in paragraph (c) of subdivision two of this section, premises located in an eligible building that are occupied or used for industrial and manufacturing activities (including ancillary uses), but not premises occupied or used for hotel or residential purposes.

(d) Notwithstanding the provisions of subparagraph (ii) of paragraph (b) or paragraph (c) of this subdivision, premises located in an eligible building shall not be eligible for the tax abatement granted pursuant to subdivision one-b of section four hundred ninety-nine-bb of this title unless at least fifty percent of the aggregate floor area of such premises is occupied or used for industrial and manufacturing activities (exclusive of ancillary uses) as defined in subdivision fourteen-a of this section.

(e) For eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of this subdivision, retail space shall be (i) occupied solely by the tenant of such eligible premises who has applied for and receives a tax abatement pursuant to this title and (ii) used for the purpose of selling or servicing the products of such tenant. Such retail space shall not be deemed to be occupied or used for industrial and manufacturing activities for purposes of paragraph (d) of this subdivision.

11. "Expansion premises." Eligible premises leased by an expansion tenant to accommodate additional employees.

12. "Expansion tenant." A person who (a) occupies premises in an eligible building under a lease which does not expire during the eligibility period and (b) executes a lease for expansion premises in such eligible building or in another eligible building which lease meets

the eligibility requirements of section four hundred ninety-nine-cc of this title. For purposes of determining whether expansion premises are located in the same or in another eligible building, the last sentence of subdivision eight of this section shall not be applicable.

13. "Fiscal year." The fiscal year of any city having a population of one million or more.

14. "Governmental agency." The United States of America or any agency or instrumentality thereof, the state of New York, the city of New York, any public corporation (including a body corporate and politic created pursuant to agreement or compact between the state of New York and any other state), public benefit corporation, public authority or other political subdivision of the state.

14-a. "Industrial and manufacturing activities." Activities involving the assembly of goods to create a different article, or the processing, fabrication, or packaging of goods. Industrial and manufacturing activities shall not include waste management or utility services.

15. "Landlord." Any person who (a) controls all non-residential portions of an eligible building, including, without limitation, the record owner, the lessee under a ground lease, any mortgagee in possession or any receiver, and (b) who grants the right to use or occupy eligible premises to any tenant, provided that landlord shall not include any lessee who at any time during the lease term occupied or used or occupies or uses any part of the non-residential portions of such eligible building, other than premises occupied or used by such lessee to provide rental or management services to such building.

16. "Lease commencement date." The date set forth in the lease on which the term of the lease commences.

17. "Mixed-use building." A building used for both residential and commercial purposes, provided that more than twenty-five per centum of the aggregate floor area of such building is used or held out for use as commercial, community facility or accessory use space.

18. "New tenant." A person who (a) (i) is relocating or expanding from premises in a relocation area to eligible premises, or (ii) occupies premises in an eligible building under a lease which expires during the eligibility period and is relocating or expanding to eligible premises, or (iii) occupies premises in the abatement zone in a building which is not an eligible building and is relocating or expanding to eligible premises, or (iv) does not occupy any premises immediately prior to executing a lease for eligible premises, or (v) is an owner of a building in the abatement zone who is relocating or expanding to eligible premises, and (b) executes a lease which meets the eligibility requirements of section four hundred ninety-nine-cc of this title.

19. "Person." An individual, corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.

20. "Relocation area." Any area except the abatement zone as defined in subdivision two of this section.

21. "Renewal tenant." A person who (a) occupies premises in an eligible building under a lease which expires during the eligibility period and (b) executes a lease for the continued occupancy of all or part of such premises or all or part of such premises and additional premises in such eligible building, provided such premises are eligible premises and such lease meets the eligibility requirements of section four hundred ninety-nine-cc of this title.

22. "Rent commencement date." The date set forth in the lease on which the obligation to pay basic fixed rent shall commence.

23. "Subtenant." A person whose right to occupy and use the eligible premises is not derived from a lease with the landlord.

24. "Tax commission." The tax commission in any city having a population of one million or more.

25. "Tax liability." The product obtained by multiplying the billable assessed value for the fiscal year in which the benefit period commences by the tax rate applicable to the eligible building for such fiscal year as set by the local legislative body of any city having a population of one million or more.

26. "Tax liability per square foot." The tax liability divided by the total number of square feet in the eligible building, as listed on the records of the department of finance.

27. "Tenant." A person (including any successors in interest) who executes a lease with the landlord for the right to occupy or use the eligible premises and who occupies or uses the eligible premises pursuant to such lease. Tenant shall not include any subtenant. When used in this title, "tenant" includes "expansion tenant", "new tenant" and "renewal tenant."

28. "Tenant's percentage share." (a) For eligible premises defined in paragraph (a) or subparagraph (i) of paragraph (b) of subdivision ten of this section, the percentage of the eligible building's aggregate floor area allocated to the eligible premises, which shall be presumed to be such percentage as set forth in the lease for the eligible premises; provided that where the eligible premises includes expansion premises, the "tenant's percentage share" shall be calculated on the basis of the percentage of the eligible building's aggregate floor area allocated solely to the expansion premises.

(b) For eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of this section, the percentage of the eligible building's aggregate floor area allocated to the eligible premises to be occupied or used for industrial and manufacturing activities, as defined in subdivision fourteen-a of this section; provided that where the eligible premises includes expansion premises, the "tenant's percentage share" shall be calculated on the basis of the eligible building's aggregate floor area allocated solely to expansion premises to be occupied or used for industrial and manufacturing activities.

§ 499-bb. Real property tax abatement. 1. Except as provided in subdivisions one-a and one-b of this section, within a city having a population of one million or more, eligible buildings containing eligible premises shall receive an abatement of real property taxes during the benefit period as follows:

(a) for each of the first three years of the benefit period, the abatement shall be equal to the product obtained by (i) multiplying the tenant's percentage share by the number of square feet in the eligible building, as listed on the records of the department of finance and (ii) multiplying the product obtained in subparagraph (i) of this paragraph by the abatement base;

(b) for the fourth year of the benefit period, the abatement shall be equal to two-thirds of the abatement in the first year of the benefit period; and

(c) for the fifth year of the benefit period, the abatement shall be equal to one-third of the abatement in the first year of the benefit period.

1-a. Except as provided in subdivision one-b of this section, within a city having a population of one million or more, eligible buildings containing eligible premises occupied or used by a tenant pursuant to a lease having a lease commencement date on or after April first, nineteen hundred ninety-seven with an initial lease term of less than five years, but not less than three years, shall receive an abatement of real property taxes during the benefit period as follows:

(a) for the first year of the benefit period, the abatement shall be equal to the product obtained by (i) multiplying the tenant's percentage share by the number of square feet in the eligible building, as listed on the records of the department of finance and (ii) multiplying the product obtained in subparagraph (i) of this paragraph by the abatement base;

(b) for the second year of the benefit period, the abatement shall be equal to two-thirds of the abatement in the first year of the benefit period; and

(c) for the third year of the benefit period, the abatement shall be equal to one-third of the abatement in the first year of the benefit

period.

1-b. (a) Within a city having a population of one million or more, eligible buildings containing eligible premises as defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title occupied or used by a tenant pursuant to a lease having a lease commencement date on or after July first, two thousand five with an initial lease term of not less than three years, shall receive an abatement of real property taxes for each year of the benefit period equal to the product obtained by (i) multiplying the tenant's percentage share by the number of square feet in the eligible building, as listed on the records of the department of finance and (ii) multiplying the product obtained in subparagraph (i) of this paragraph by the abatement base.

(b) (i) The benefit described in paragraph (a) of this subdivision shall apply to eligible premises where at least ninety percent of the aggregate floor area is occupied or used for industrial and manufacturing activities, as defined in subdivision fourteen-a of section four hundred ninety-nine-aa of this title.

(ii) If at least fifty percent of the aggregate floor area of the eligible premises but less than ninety percent of such premises are occupied or used for industrial and manufacturing activities, as defined in subdivision fourteen-a of section four hundred ninety-nine-aa of this title, the benefits described in paragraph (a) of this subdivision shall be limited to the proportion of such eligible premises occupied or used for such activities.

2. If, as a result of application to the tax commission or a court order or action by the department of finance, the billable assessed value is reduced, the department of finance shall recalculate the abatement utilizing such reduced billable assessed value. The amount equal to the difference between the abatement originally granted and the abatement as so recalculated shall be deducted from any refund otherwise payable or remission otherwise due as a result of such reduction in billable assessed value, and any balance of such amount remaining unpaid after making any such deduction shall be paid to the department of finance within thirty days from the date of mailing by the department of

finance of a notice of the amount payable. Such amount payable shall constitute a tax lien on the eligible building as of the date of such notice and, if not paid within such thirty-day period, penalty and interest at the rate applicable to delinquent taxes on such eligible building shall be charged and collected on such amount from the date of such notice to the date of payment.

3. (a) In no event shall the abatement for the eligible premises granted pursuant to this title exceed the tax liability allocable to the eligible premises.

(b) In no event shall eligible premises receive benefits pursuant to subdivision one-b of this section while receiving benefits pursuant to subdivision one or one-a of this section.

4. Notwithstanding the provisions of any lease for occupancy of non-eligible premises in an eligible building or for occupancy of eligible premises for which no certificate of abatement has been issued pursuant to this title, a lessee of non-eligible premises or of eligible premises for which no certificate of abatement has been issued pursuant to this title shall not be entitled to receive directly or indirectly a reduction in either the real property taxes or any rent (including additional rent) payable pursuant to such lease where such reduction would result from an abatement of real property taxes granted pursuant to this title. A landlord of an eligible building shall not allocate, credit, assign or disburse any portion of an abatement granted pursuant to this title to a lessee of non-eligible premises or of eligible premises for which no certificate of abatement has been issued pursuant to this title. A landlord shall not be required to reduce the real property taxes or any rent (including additional rent) payable by expansion tenants, new tenants and renewal tenants by an amount that exceeds the full amount of the abatement granted pursuant to this title, but a landlord shall be required to reduce the real property taxes or any rent (including additional rent) payable by expansion tenants, new tenants and renewal tenants by an amount that, in the aggregate, equals the full amount of the abatement granted pursuant to this title. Such reduction shall be allocated in accordance with the abatement granted for the eligible premises occupied by each such tenant.

5. A tenant who occupies or uses eligible premises for which a certificate of abatement is issued pursuant to this title shall not be eligible to receive a second certificate of abatement for the same eligible premises. A tenant who occupies or uses eligible premises for which a certificate of abatement is issued pursuant to this title and who, upon the expiration of the lease for such eligible premises, relocates to otherwise eligible premises, shall not be eligible to receive a certificate of abatement for such otherwise eligible premises, except to the extent that the square footage of such otherwise eligible premises exceeds the square footage of all eligible premises previously occupied or used by such tenant for which such tenant held a certificate of abatement. If the square footage of such otherwise eligible premises exceeds the square footage of all such eligible premises previously occupied or used by such tenant and if there is any variation in the tax liability per square foot of such otherwise eligible premises, then, for purposes of determining which square footage in such otherwise eligible premises is entitled to an abatement pursuant to this title, square footage with the greatest tax liability per square foot, in an amount equal to the square footage of all such eligible premises previously occupied or used by such tenant, shall first be excluded.

§ 499-cc. Eligibility requirements. 1. No abatement shall be granted pursuant to this title unless:

(a) the landlord enters into a lease for eligible premises with a new tenant or a renewal tenant and:

(1) the lease commencement date is within the eligibility period;

(2) (i) if, by the sixtieth day following the rent commencement date, such new or renewal tenant employs one hundred twenty-five or fewer employees in the eligible premises, the initial lease term is for a period of at least five years or, with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, the initial lease term is for a period of at least three years; or (ii) if, by the sixtieth day following the rent commencement date, such new or renewal tenant employs more than one hundred twenty-five employees in the eligible premises, the initial lease term is for a period of at least

ten years; or (iii) with respect to a lease for eligible premises as defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title commencing on or after July first, two thousand five, the initial lease term is for a period of at least three years; and

(3) (i) if the lease is with a new tenant required to sign a lease with an initial lease term of at least five years, expenditures on improvements to the eligible premises and the common areas of the eligible building are in an amount at least equal to five dollars per square foot, provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, if, by the sixtieth day following the rent commencement date, the new tenant employs one hundred twenty-five or fewer employees in the eligible premises, expenditures on improvements to the eligible premises and the common areas of the eligible building are in an amount at least equal to two dollars and fifty cents per square foot; or (ii) if the lease is with a new tenant required to sign a lease with an initial lease term of at least ten years, expenditures on improvements to the eligible premises and the common areas of the eligible building are in an amount at least equal to twenty-five dollars per square foot; or (iii) if the lease is with a renewal tenant, expenditures on improvements to the eligible premises and the common areas of the eligible building are in an amount at least equal to five dollars per square foot for any premises previously occupied by such renewal tenant, provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, if, by the sixtieth day following the rent commencement date, the renewal tenant employs one hundred twenty-five or fewer employees in the eligible premises previously occupied by such renewal tenant, expenditures on improvements to the eligible premises and the common areas of the eligible building are in an amount at least equal to two dollars and fifty cents per square foot; and in an amount at least equal to the amount specified in clause (i) or (ii) of this subparagraph, depending upon the required initial lease term, for any premises not previously occupied by such renewal tenant; or (iv) if the lease is with a new tenant for eligible premises as defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title,

expenditures on improvements to the eligible premises and the common areas of the eligible building are in an amount at least equal to two dollars and fifty cents per square foot; or (v) if the lease is with a renewal tenant for eligible premises as defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title, expenditures on improvements are in an amount at least equal to five dollars per square foot for any premises previously occupied by such renewal tenant, and in an amount at least equal to two dollars and fifty cents per square foot for any premises not previously occupied by such renewal tenant; or

(b) the landlord enters into a lease with an expansion tenant for expansion premises and:

(1) the lease commencement date is within the eligibility period;

(2) (i) if, by the sixtieth day following the rent commencement date, such expansion tenant employs one hundred twenty-five or fewer employees in the expansion premises, the initial lease term for the expansion premises is for a period of at least five years or, with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, the initial lease term is for a period of at least three years; or (ii) if, by the sixtieth day following the rent commencement date, such expansion tenant employs more than one hundred twenty-five employees in such expansion premises, the initial lease term for the expansion premises is for a period of at least ten years; or (iii) with respect to a lease commencing on or after July first, two thousand five for eligible premises as defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title, the initial lease term is for a period of at least three years; and

(3) (i) if the lease is with an expansion tenant required to sign a lease with an initial lease term of at least five years, expenditures on improvements to the expansion premises and the common areas of the eligible building are in an amount at least equal to five dollars per square foot, provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, if, by the sixtieth day following the rent commencement date, the expansion tenant employs one hundred twenty-five or fewer employees in the expansion premises, expenditures on improvements to the expansion premises and the

common areas of the eligible building are in an amount at least equal to two dollars and fifty cents per square foot; or (ii) if the lease is with an expansion tenant required to sign a lease with an initial lease term of at least ten years, expenditures on improvements to the expansion premises and the common areas of the eligible building are in an amount at least equal to twenty-five dollars per square foot; or if the lease is with an expansion tenant for eligible premises as defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title, expenditures on improvements to the expansion premises and the common areas of the eligible building are in an amount at least equal to two dollars and fifty cents per square foot.

2. No abatement shall be granted pursuant to this title if an applicant shall fail to meet any of the requirements of this title within sixty days of the rent commencement date; provided that for a lease with a renewal tenant, the expenditures on improvements required by subdivision one of this section shall be made within one year of the lease commencement date.

3. (a) (i) With respect to the abatement zone defined in paragraph (a) of subdivision two of section four hundred ninety-nine-aa of this title and for purposes of determining whether the amount of expenditures required by subdivision one of this section have been satisfied, expenditures on improvements to the common areas of an eligible building shall be included only if work on such improvements commenced and the expenditures are made on or after April first, nineteen hundred ninety-five and on or before September thirtieth, two thousand one; provided, however, that expenditures on improvements to the common areas of an eligible building made prior to three years before the lease commencement date shall not be included.

(ii) With respect to the eligible premises defined in subparagraph (i) of paragraph (b) of subdivision ten of section four hundred ninety-nine-aa of this title and for purposes of determining whether the amount of expenditures required by subdivision one of this section have been satisfied, expenditures on improvements to the common areas of an eligible building shall be included only if work on such improvements

commenced and the expenditures are made on or after July first, two thousand and on or before December thirty-first, two thousand ten; provided, however, that expenditures on improvements to the common areas of an eligible building made prior to three years before the lease commencement date shall not be included.

(iii) With respect to the eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title and for purposes of determining whether the amount of expenditures required by subdivision one of this section have been satisfied, expenditures on improvements to the common areas of an eligible building shall be included only if work on such improvements commenced and the expenditures are made on or after July first, two thousand five and on or before December thirty-first, two thousand twenty-eight; provided, however, that expenditures on improvements to the common areas of an eligible building made prior to three years before the lease commencement date shall not be included.

(b) The landlord may allocate expenditures on improvements to the common areas of an eligible building to eligible tenants in such manner as reasonably relates to such eligible tenants.

4. For purposes of this title, the expiration date of a lease shall be determined by the expiration date set forth in such lease, without giving effect to any rights of the landlord or the tenant to terminate such lease prior to the expiration date set forth therein.

5. The lease for the eligible premises shall contain the following provisions:

(a) a statement of the tenant's percentage share;

(b) a statement certifying the percentage of eligible premises occupied or used for industrial and manufacturing activities, as defined in subdivision fourteen-a of section four hundred ninety-nine-aa of this title, and the percentage of eligible premises occupied or used for ancillary purposes where the lease is for eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title;

(c) a statement informing the tenant in at least twelve-point type that:

(1) an application for abatement of real property taxes pursuant to this title will be made for the premises;

(2) the rent, including amounts payable by the tenant for real property taxes, will accurately reflect any abatement of real property taxes granted pursuant to this title for the premises;

(3) at least five dollars per square foot or twenty-five dollars per square foot must be spent on improvements to the premises and the common areas, the amount being dependent upon the length of the lease and whether it is a new or a renewal lease, provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven, if, by the sixtieth day following the rent commencement date, the tenant employs one hundred twenty-five or fewer employees in the relevant premises, at least two dollars and fifty cents per square foot must be spent on improvements to the premises and the common areas; and

(4) all abatements granted with respect to a building pursuant to this title will be revoked if, during the benefit period, real estate taxes or water or sewer charges or other lienable charges are unpaid for more than one year, unless such delinquent amounts are paid as provided in subdivision four of section four hundred ninety-nine-ff of this title; and

(5) all benefits granted with respect to eligible premises as defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title will be reduced if, during the benefit period, the aggregate floor area of such eligible premises occupied or used for industrial and manufacturing activities, as defined in subdivision fourteen-a of section four hundred ninety-nine-aa of this title, is reduced.

6. No abatement shall be granted pursuant to this title if:

(a) the lease for the eligible premises provides that during the initial lease term required by subdivision one of this section either the landlord or the tenant may terminate such lease prior to the expiration date of such required initial lease term; provided that such lease may provide that either the landlord or the tenant may terminate such lease if (1) the other party is in default of any of such party's obligations under the lease, (2) the eligible premises are damaged or

destroyed by fire or other casualty, (3) the eligible premises are rendered unusable for any reason not attributable to any act or failure to act of either tenant or landlord, or (4) the eligible premises are acquired by eminent domain; and

(b) there are real property taxes, water or sewer charges or other lienable charges currently due and owing on the eligible building which is the subject of an application for abatement pursuant to this title, unless such real property taxes or charges are currently being paid in timely installments pursuant to a written agreement with the department of finance or other appropriate agency.

7. No abatement shall be granted pursuant to this title unless the applicant shall file, together with the application, an affidavit setting forth the following information:

(a) a statement that within the seven years immediately preceding the date of application for a certificate of abatement, neither the applicant nor any person owning a substantial interest in the eligible building as defined in paragraph (c) of this subdivision, nor any officer, director or general partner of the applicant or such person was finally adjudicated by a court of competent jurisdiction to have violated section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction with respect to any building, or was an officer, director or general partner of a person at the time such person was finally adjudicated to have violated such law; and

(b) a statement setting forth any pending charges alleging violation of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction with respect to any building by the applicant or any person owning a substantial interest in the eligible building as defined in paragraph (c) of this subdivision, or any officer, director or general partner of the applicant or such person, or any person for whom the applicant or person owning a substantial interest in the eligible building is an officer, director or general partner.

(c) for purposes of this subdivision and subdivision seven of section four hundred ninety-nine-ff of this title, "substantial interest" shall

mean ownership and control of an interest of ten per centum or more in the eligible building or in any person owning the eligible building.

§ 499-dd. Application for certificate of abatement. 1. Application for a certificate of abatement may be made on or after April first, nineteen hundred ninety-five and until sixty days after the end of the eligibility period, provided, however, that application for a certificate of abatement for eligible premises located within the abatement zone defined in paragraph (b) of subdivision two of section four hundred ninety-nine-aa of this title may be made on or after July first, two thousand and until one hundred eighty days after the end of the eligibility period, and provided, further, however, that application for a certificate of abatement for eligible premises located within the abatement zone defined in paragraph (c) of subdivision two of section four hundred ninety-nine-aa of this title may be made on or after July first, two thousand five and until one hundred eighty days after the end of the eligibility period. Applications shall be filed with the department of finance. No application may be filed prior to the date on which the lease for the eligible premises is executed by the landlord and tenant.

2. No abatement pursuant to this title shall be granted unless the applicant files an application for a certificate of abatement within sixty days following the lease commencement date or within sixty days following the date chapter four of the laws of nineteen hundred ninety-five became a law, whichever is later. Notwithstanding the foregoing sentence and any other provision of law to the contrary, with respect to leases commencing on or after April first, nineteen hundred ninety-five and before July first, nineteen hundred ninety-six, an application for a certificate of abatement shall be considered timely filed if filed within one hundred eighty days following the lease commencement date or within one hundred eighty days following the date chapter four of the laws of nineteen hundred ninety-five became a law, whichever is later.

3. In addition to any other information required by the department of

finance, the application for a certificate of abatement shall include an abstract of the lease for the eligible premises for which an abatement is being sought which abstract is signed by the landlord and the tenant. Such abstract shall include the tenant's percentage share, the lease commencement date, the rent commencement date, the expiration date for such lease and a description of the improvements to be made to the eligible premises and the common areas of the eligible building, including the estimated value of such improvements. Such application shall also include (i) a statement that the amount of the expenditures on such improvements will equal or exceed the amount required by section four hundred ninety-nine-cc of this title, (ii) a statement of the number of persons who will, on the rent commencement date, be employed in the eligible premises, (iii) a statement of the location of all office or retail space in the city of New York occupied by the tenant prior to the execution of the lease for the eligible premises, (iv) the commencement and expiration dates of all leases for eligible premises, (v) the aggregate floor area of the eligible building and, in addition to the foregoing, for eligible premises as defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title, (vi) the amount and percentage of such eligible premises to be used for industrial and manufacturing activities and (vii) the amount and percentage of such eligible premises to be used for ancillary purposes. Such application shall also state that the applicant agrees to comply with and be subject to the rules issued from time to time by the department of finance.

4. Within one hundred eighty days following the lease commencement date, the applicant shall provide, in addition to any other information required by the department of finance, evidence acceptable to the department of finance that the number of employees in the eligible premises or in the case of an expansion tenant, in the expansion premises, and the expenditures on improvements to the eligible premises and the common areas of the eligible building or, in the case of an expansion tenant, to the expansion premises and the common areas of the eligible building meet the requirements of section four hundred ninety-nine-cc of this title; provided that for a renewal tenant, evidence acceptable to the department of finance that expenditures on

improvements to the eligible premises and the common areas of the eligible building meet the requirements of section four hundred ninety-nine-cc of this title shall be submitted within fourteen months of the lease commencement date. The department of finance shall issue a certificate of abatement upon determining that the applicant has submitted proof acceptable to the department of finance that the applicant has met the requirements set forth in this title; provided that, with respect to a renewal tenant, the department of finance shall issue a certificate of abatement upon determining that the applicant has, not later than one hundred eighty days following the lease commencement date, submitted to the department of finance (i) proof acceptable to the department of finance that the requirements of section four hundred ninety-nine-cc of this title concerning the requisite number of employees has been met, (ii) a certification that the applicant intends to meet the requirements of such section four hundred ninety-nine-cc concerning expenditures on improvements within the time specified in such section and (iii) such additional information as the department of finance shall require.

5. The burden of proof shall be on the applicant to show by clear and convincing evidence that the requirements for granting a certificate of abatement have been satisfied. The department of finance shall have the authority to require that statements in connection with such application be made under oath.

6. The department of finance may provide by rule for reasonable administrative charges or fees necessary to defray expenses in administering the abatement program provided by this title.

7. Except as otherwise provided in this subdivision, leases commencing on or after July first, nineteen hundred ninety-six and before April first, nineteen hundred ninety-seven shall be subject to the provisions of this title as amended by chapter four hundred seventy-two of the laws of nineteen hundred ninety-six. Notwithstanding any other provision of law to the contrary, with respect to leases commencing on or after July first, nineteen hundred ninety-six, an application for a certificate of abatement shall be considered timely filed if filed within one hundred

eighty days following the lease commencement date or within sixty days following the date chapter four hundred seventy-two of the laws of nineteen hundred ninety-six became a law, whichever is later. Except as otherwise provided in subdivision two of this section, leases commencing before July first, nineteen hundred ninety-six shall be subject to the provisions of this title as in effect prior to its amendment by chapter four hundred seventy-two of the laws of nineteen hundred ninety-six.

8. Except as provided in subdivisions nine and ten of this section, leases commencing on or after April first, nineteen hundred ninety-seven shall be subject to the provisions of this title as amended by chapter four hundred forty of the laws of two thousand three. Notwithstanding any other provision of law to the contrary, with respect to leases commencing on or after April first, nineteen hundred ninety-seven, an application for a certificate of abatement shall be considered timely filed if filed within one hundred eighty days following the lease commencement date or within sixty days following the date chapter six hundred twenty-nine of the laws of nineteen hundred ninety-seven became a law, whichever is later.

9. Leases commencing on or after July first, two thousand for eligible premises located within the abatement zone defined in paragraph (b) of subdivision two of section four hundred ninety-nine-aa of this title shall be subject to the provisions of this title as amended by chapter two hundred sixty-one of the laws of two thousand and chapter four hundred forty of the laws of two thousand three.

10. Leases commencing on or after July first, two thousand five for eligible premises located within the abatement zone defined in paragraph (c) of subdivision two of section four hundred ninety-nine-aa of this title shall be subject to the provisions of this title as amended by chapter four hundred forty of the laws of two thousand three and the chapter of the laws of two thousand five that added this subdivision.

§ 499-ee. Enforcement and administration. The department of finance shall have, in addition to any other functions, powers and duties which

have been or may be conferred on it by law, the following functions, powers and duties:

1. To receive and review applications for certificates of abatement under this title and issue such certificates where authorized pursuant to this title.

2. To receive evidence of expenditures made on improvements to the eligible premises and the common areas of the eligible building.

3. To receive all certificates of continuing eligibility required by section four hundred ninety-nine-ff of this title.

4. To collect all real property taxes, with interest and penalty, due and owing as a result of reduction, termination or revocation of any abatement granted pursuant to this title.

5. To make and promulgate rules to carry out the purposes of this title.

§ 499-ff. Reporting requirements; revocation of abatements. 1. For the duration of the applicant's benefit period, the applicant shall file annually with the department of finance, on or before July first of each year, a certificate of continuing eligibility confirming that the eligible premises are occupied by the tenant who originally executed the lease and that the eligible premises are being used for the purposes described in the application. In addition, for eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title, a certificate of continuing eligibility shall (a) confirm that the percentage of the aggregate floor area of the eligible premises occupied or used for industrial and manufacturing activities (exclusive of ancillary uses) has not been reduced and (b) state separately the current percentage of the aggregate floor area of the eligible premises used for industrial and manufacturing activities, ancillary uses and retail activities. Such certificate of continuing eligibility shall be on a form prescribed by

the department of finance and shall contain such additional information as the department of finance shall require. The department of finance shall have the authority to terminate abatements granted pursuant to this title upon failure of an applicant to file such certificate by such July first date. The burden of proof shall be on the applicant to establish continuing eligibility for benefits and the department of finance shall have the authority to require that statements made in such certificate shall be made under oath.

2. The department of finance shall revoke any abatement granted pursuant to this title when the tenant who originally executed the lease is no longer occupying the eligible premises. Such revocation shall be retroactive to the date that such tenant vacated the eligible premises and the department of finance shall require the landlord to pay, with interest, any taxes which become payable as a result of such revocation. The landlord shall notify the department of finance within thirty days following the date on which such tenant vacated the eligible premises and, for failure to comply with this notification requirement, shall be liable for penalty calculated for the same period as interest is calculated pursuant to the preceding sentence.

3. If any portion of the premises for which an abatement has been granted pursuant to this title ceases to be occupied or used as eligible premises or is occupied by a subtenant, the department of finance shall reduce the abatement granted pursuant to this title by an amount equal to the percentage of such eligible premises which has ceased to be occupied or used as eligible premises or is occupied by a subtenant. Such reduction shall be retroactive to the date that such premises ceased to be occupied or used as eligible premises or was occupied by a subtenant, and the department of finance shall require the landlord to pay, with interest, any taxes which become payable as a result of such reduction. The landlord shall notify the department of finance within thirty days following the date on which the premises ceased to be occupied or used as eligible premises or was occupied by a subtenant and, for failure to comply with this notification requirement, shall be liable for penalty calculated for the same period as interest is calculated pursuant to the preceding sentence.

4. If, during the benefit period, any real property tax or water or sewer charge or other lienable charge due and payable with respect to an eligible building shall remain unpaid for at least one year following the date upon which such tax or charge became due and payable, all abatements granted pursuant to this title with respect to such building shall be revoked, unless within thirty days from the mailing of a notice of revocation by the department of finance satisfactory proof is presented to the department of finance that any and all delinquent taxes and charges owing with respect to such building as of the date of such notice have been paid in full or are currently being paid in timely installments pursuant to a written agreement with the department of finance or other appropriate agency. Any revocation pursuant to this subdivision shall be effective with respect to real property taxes which become due and payable following the date of such revocation.

5. The department of finance may deny, reduce, suspend, terminate or revoke any abatement granted pursuant to this title whenever:

(a) the landlord or the tenant receiving abatement pursuant to this title fails to comply with the requirements of this title or the rules promulgated hereunder; or

(b) an application, certificate, report or other document submitted by the applicant contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statement therein not false or misleading, and may declare any applicant who makes such false or misleading statement or omission to be ineligible for future abatement pursuant to this title for the same or other property. In addition, the department of finance shall require the applicant to pay, with penalty and interest, any abatement received pursuant to this title as a result of such false or misleading statement or omission of a material fact.

6. Notwithstanding any other provision of this title, the department of finance shall deny, terminate or revoke any abatement applied for or granted pursuant to this title upon a determination that the lease between the landlord and the tenant does not constitute a bona fide arm's length lease. In making such determination, the department of

finance may consider, among other factors, the relationship, if any, between the landlord and the tenant and whether the business terms of such lease are consistent with the business terms generally found in leases for comparable space.

7. (a) If any person described in the statement required by paragraph (b) of subdivision seven of section four hundred ninety-nine-cc of this title or paragraph (b) of this subdivision is finally adjudicated by a court of competent jurisdiction to be guilty of any charge listed in such statement, the department of finance shall revoke the abatement granted pursuant to this title and shall require the payment, with interest, of any abatement received pursuant to this title.

(b) The applicant shall, on the certificate of continuing eligibility, state whether any charges alleging violation by the applicant or any person owning a substantial interest in the eligible building, or any officer, director or general partner of the applicant or person owning a substantial interest in the eligible building, or any person for whom the applicant or person owning a substantial interest in the eligible building is an officer, director or general partner, of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction, are pending. For purposes of this paragraph, "substantial interest" shall have the same meaning as set forth in paragraph (c) of subdivision seven of section four hundred ninety nine-cc of this title.

8. The department of finance shall revoke any abatement granted pursuant to this title with respect to premises leased to a renewal tenant if the applicant shall fail to submit evidence acceptable to the department of finance, within the time specified in subdivision four of section four hundred ninety-nine-dd of this title, that the requirements of section four hundred ninety-nine-cc of this title concerning expenditures on improvements have been met within the time specified in such section four hundred ninety-nine-cc. In such event, the department of finance shall require the landlord to pay, with penalty and interest, any abatement received pursuant to this title with respect to the premises in question.

§ 499-gg. Tax lien; interest and penalty. All taxes, with interest, required to be paid retroactively pursuant to this title shall constitute a tax lien as of the date it is determined such taxes and interest are owed. All interest shall be calculated from the date the taxes would have been due but for the abatement granted pursuant to this title at the applicable rate or rates of interest imposed by such city generally for non-payment of real property tax with respect to the eligible building for the period in question. When a provision of this title requires the payment of a penalty in addition to interest, the amount of such penalty shall be equal to the amount of interest that would have been payable pursuant to such provision had such interest been calculated at the rate of three percent per annum.

§ 499-hh. Confidentiality. 1. Except in accordance with a proper judicial order or as otherwise provided by law, it shall be unlawful for the commissioner of finance, any officer or employee of the department of finance, the president or a commissioner or employee of the tax commission, any person engaged or retained by such department or such commission on an independent contract basis, or any person who, pursuant to this title, is permitted to inspect any information submitted by an applicant to the department of finance pursuant to this title or to whom a copy, an abstract or a portion of any such information is furnished, to divulge or make known in any manner any such information to any person not authorized pursuant to this title to inspect such information. The officers charged with custody of such information shall not be required to produce any of it or evidence of anything contained in it in any action or proceeding in any court except on behalf of the commissioner of finance in an action or proceeding under the provisions of this title, or on behalf of any party to any action or proceeding under the provisions of this title when such information or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence so much of such information or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the inspection by the legal

representatives of the department of finance or the tax commission of such information submitted by any applicant who shall bring an action to correct an assessment. Nothing herein shall be construed to prohibit the delivery to an applicant or the applicant's duly authorized representative of a certified copy of any information submitted by an applicant to the department of finance pursuant to this title; or to any agency or any department of any city having a population of one million or more provided the same is requested for official business; nor to prohibit the inspection for official business of such information by the corporation counsel or other legal representatives of a city having a population of one million or more or by the district attorney of any county within such city; nor to prohibit the publication of statistics so classified as to prevent the identification of such information or particular items thereof. Information submitted by an applicant to the department of finance pursuant to this title shall not be subject to disclosure pursuant to article six of the public officers law.

2. Any violation of the provisions of subdivision one of this section shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both, at the discretion of the court, and if the offender be an officer or employee of the department of finance or of the tax commission, the offender shall be dismissed from office.

TITLE 4-B

GREEN ROOF TAX ABATEMENT FOR CERTAIN PROPERTIES IN A CITY OF ONE MILLION OR MORE PERSONS

Section 499-aaa. Definitions.

499-bbb. Real property tax abatement.

499-ccc. Application for tax abatement.

499-ddd. Continuing requirements.

499-eee. Revocation of tax abatement.

499-fff. Enforcement and administration.

499-ggg. Tax lien and interest.

§ 499-aaa. Definitions. When used in this title, the following terms shall have the following meanings:

1. "Applicant" shall mean (a) with respect to an eligible building held in the cooperative or condominium form of ownership, the board of managers of a condominium or the board of directors of a cooperative apartment corporation, or (b) with respect to any other eligible building, the owner of such building.

2. "Application for tax abatement" shall mean an application for a green roof tax abatement pursuant to section four hundred ninety-nine-ccc of this title.

3. "Architect" shall mean a person licensed and registered to practice the profession of architecture under the education law.

4. "Compliance period" shall mean the tax year in which a tax abatement is taken.

5. "Department of finance" shall mean the department of finance of a city having a population of one million or more persons.

6. "Designated agency" shall mean one or more agencies or departments of a city having a population of one million or more persons that are designated by the mayor of such city to exercise the functions, powers and duties of a designated agency pursuant to this title.

7. "Eligible building" shall mean a class one, class two or class four real property, as defined in subdivision one of section eighteen hundred two of this chapter, located within a city having a population of one million or more persons. No building shall be eligible for more than one tax abatement pursuant to this title.

8. "Eligible rooftop space" shall mean the total space available on an eligible building to support a green roof, as certified by an engineer or architect or other certified or licensed professional whom a designated agency designates by rule.

9. "Engineer" shall mean a person licensed and registered to practice the profession of engineering under the education law.

10. "Green roof" shall mean an addition to a roof of an eligible building that includes (a) a weatherproof and waterproof roofing membrane layer that complies with local construction and fire codes, (b) a root barrier layer, (c) a drainage layer that complies with local construction and fire codes and is designed so the drains can be inspected and cleaned, (d) a filter or separation fabric, (e) a growth medium, including natural or simulated soil, with a depth of at least one and one-half inches, (f) if the depth of the growth medium is less than three inches, an independent water holding layer that is designed to prevent the rapid drying of the growth medium, such as a non-woven fabric, pad or foam mat, and (g) a vegetation layer, at least eighty percent of which must be covered by live plants such as (i) sedum or equally drought resistant and hardy plant species, (ii) native plant species, and/or (iii) agricultural plant species.

§ 499-bbb. Real property tax abatement. An eligible building shall receive an abatement of real property taxes as provided in this title and the rules promulgated hereunder.

1. (a) The amount of such tax abatement for any tax year commencing on or after July first, two thousand nine and ending on or before June thirtieth, two thousand fourteen shall be four dollars and fifty cents per square foot of a green roof pursuant to an approved application for tax abatement; provided, however, that the amount of such tax abatement shall not exceed the lesser of (i) one hundred thousand dollars or (ii) the tax liability for the eligible building in the tax year in which the tax abatement is taken.

(b) The total amount of such tax abatement commencing on or after July first, two thousand fourteen and ending on or before June thirtieth, two thousand thirty-one, shall be ten dollars per square foot of a green roof pursuant to an approved application for tax abatement; provided, however, that the amount of such tax abatement shall not exceed two

hundred thousand dollars. To the extent the amount of such tax abatement exceeds the total tax liability in any tax year, any remaining amount may be applied to the tax liability in succeeding tax years, provided that such abatement must be applied within five years of the tax year in which the tax abatement was initially taken.

(c) Notwithstanding paragraph (b) of this subdivision, property located within specifically designated New York city community districts, selected by an agency designated by the mayor of the city of New York pursuant to subdivision five of this section, shall receive an enhanced tax abatement for any green roof. The total amount of such enhanced tax abatement commencing on or after July first, two thousand nineteen and ending on or before June thirtieth, two thousand thirty-one, shall be fifteen dollars per square foot of a green roof pursuant to an approved application for enhanced tax abatement: provided, however, that the amount of such enhanced tax abatement shall not exceed two hundred thousand dollars. To the extent the amount of such enhanced tax abatement exceeds the total tax liability in any tax year, any remaining amount may be applied to the tax liability in succeeding tax years, provided that such abatement must be applied within five years of the tax year in which the tax abatement was initially taken.

(d) Notwithstanding paragraph (b) or (c) of this subdivision, the aggregate amount of tax abatements allowed under this subdivision for the tax year commencing July first, two thousand fourteen and ending June thirtieth, two thousand fifteen shall be a maximum of seven hundred fifty thousand dollars, and the aggregate amount of tax abatements allowed under this subdivision for any tax year commencing on or after July first, two thousand fifteen and ending on or before June thirtieth, two thousand thirty-one shall be a maximum of four million dollars. No tax abatements shall be allowed under this subdivision for any tax year commencing on or after July first, two thousand thirty-one.

(e) Such aggregate amount of tax abatements including enhanced tax abatements, shall be allocated by the department of finance on a first come first serve basis among applicants whose applications have been approved by a designated agency. If such allocation is not made prior to the date that the real property tax bill, statement of account or other similar bill or statement is prepared, then the department of finance

shall, as necessary, after such allocation is made, submit an amended real property tax bill, statement of account or other similar bill or statement to any applicant whose abatement must be adjusted to reflect such allocation. Nothing in this paragraph shall be deemed to affect the obligation of any taxpayer under applicable law with respect to the payment of any installment of real property tax for the fiscal year as to which such allocation is made, which was due and payable prior to the date such amended real property tax bills are sent, and the department of finance shall be authorized to determine the date on which amended bills are to be sent and the installments of real property tax which are to be reflected therein.

2. Such tax abatement shall commence on July first following the approval of an application for tax abatement by a designated agency.

3. With respect to any eligible building held in the condominium form of ownership that receive a tax abatement pursuant to this title, such tax abatement benefits shall be apportioned among all of the condominium tax lots within such eligible building.

4. If, as a result of application to the tax commission or a court order or action by the department of finance, the billable assessed value for the fiscal year in which the tax abatement is taken is reduced after the assessment roll becomes final, the department of finance shall recalculate the abatement so that the abatement granted shall not exceed the annual tax liability as so reduced. The amount equal to the difference between the abatement originally granted and the abatement as so recalculated shall be deducted from any refund otherwise payable or remission otherwise due as a result of such reduction in billable assessed value.

5. Buildings located within specifically designated New York city community districts, as identified by an agency designated by the mayor of the city of New York, shall be eligible for the enhanced tax abatement described in paragraph (c) of subdivision one of this section. No building located outside of a designated area shall be eligible to receive an enhanced abatement. An agency designated by the mayor of the

city of New York shall select community districts on a rolling basis over a period of three years. In selecting community districts, such agency shall prioritize areas in the priority combined sewage overflow tributary areas identified by the city of New York, with particular emphasis on those portions of such city that have been identified by an agency designated by the mayor of such city as lacking green space.

§ 499-ccc. Application for tax abatement. 1. To obtain a tax abatement pursuant to this title, an applicant must file an application for tax abatement, which may be filed on or after January first, two thousand nine, and on or before March fifteenth, two thousand thirty.

2. Such application shall be filed with a designated agency no later than the March fifteenth before the tax year, beginning July first, for which the tax abatement is sought.

3. Such application shall contain the following:

(a) The name and address of the applicant and the location of the green roof.

(b) Proof that the applicant received all required certifications, permits and other approvals to construct the green roof.

(c) Certifications, in a form prescribed by a designated agency, from an engineer or architect or other certified or licensed professional whom a designated agency designates by rule (i) that a green roof has been constructed on an eligible building in accordance with this title, the rules promulgated hereunder, and local construction and fire codes, (ii) that a structural analysis of such building has been performed establishing that the building can sustain the load of the green roof in a fully saturated condition, and (iii) pursuant to paragraph (f) of subdivision ten of section four hundred ninety-nine-aaa of this title, if required. All certifications required by this title or the rules hereunder shall set forth the specific findings upon which the certification is based, and shall include information sufficient to identify the eligible building, the certifying engineer, architect or other professional, and such other information as may be prescribed by a designated agency.

(d) An agreement by the applicant, which includes a maintenance plan, to maintain the green roof during the compliance period and for a minimum of three years thereafter in such a manner that it continuously constitutes a green roof within the meaning of this title and the rules promulgated hereunder.

(e) An agreement to permit a designated agency or its designee to inspect the green roof and any related structures and equipment upon reasonable notice.

(f) Any other information or certifications required by a designated agency pursuant to this title and the rules promulgated hereunder.

4. An application for tax abatement shall be in any format prescribed by a designated agency, including electronic form.

5. An application for tax abatement shall be approved by a designated agency upon determining that the applicant has submitted proof acceptable to such agency that the requirements for obtaining a tax abatement pursuant to this title and the rules promulgated hereunder have been met. The burden of proof shall be on the applicant to show by clear and convincing evidence that the requirements for granting a tax abatement have been satisfied.

6. Upon notification from a designated agency that an application for tax abatement has been approved, the department of finance shall apply the tax abatement, provided there are no outstanding real estate taxes, water and sewer charges, payments in lieu of taxes or other municipal charges with respect to the eligible building.

§ 499-ddd. Continuing requirements. The tax abatement shall be conditioned upon:

1. continuing compliance during the compliance period with all applicable provisions of law, including without limitation the local construction and fire codes, maintaining the green roof in such a manner that it continuously constitutes a green roof within the meaning of this title and the rules promulgated hereunder, and permitting a designated

agency or its designee to inspect the green roof and any related structures and equipment upon reasonable notice; and

2. real estate taxes, water and sewer charges, payments in lieu of taxes or other municipal charges with respect to an eligible building not having been due an owing during the compliance period for a period of six months or more.

§ 499-eee. Revocation of tax abatement. 1. The department of finance shall revoke, in whole or in part, any tax abatement granted pursuant to this title whenever a designated agency has determined and notified the department of finance that:

(a) an applicant has failed to comply with a requirement of this title or any rule promulgated hereunder at any time during the compliance period, including without limitation any of the continuing requirements set forth in subdivision one of section four hundred ninety-nine-ddd of this title;

(b) an eligible building has not been in compliance during all or part of the compliance period with any requirement of this title or any rule promulgated hereunder;

(c) the green roof for which a tax abatement was granted has at any time during the compliance period failed to meet any requirement for a green roof pursuant to this title or any rule promulgated hereunder;

(d) the green roof has become a fire or safety hazard at any time during the compliance period; or

(e) an application, certification, report or other document submitted by the applicant contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statement therein not false or misleading.

2. The department of finance may revoke, in whole or in part, any tax abatement granted pursuant to this title whenever it has determined that an applicant has failed to comply with the continuing requirement set forth in subdivision two of section four hundred ninety-nine-ddd of this title.

3. Where it has been determined by a designated agency, after notice to and an opportunity to be heard by the entity receiving the tax rebate, that a situation described in any of the provisions of subdivision one of this section has occurred, such designated agency shall so notify the department of finance no later than the ninetieth day after the last day of the compliance period.

4. An applicant shall pay, with interest, such part of any tax abatement received pursuant to this title that represents the period of non-compliance as determined by the designated agency or the department of finance, as the case may be. In addition, a designated agency may declare any applicant ineligible for future tax abatement pursuant to this title if any application, certification, report or other document submitted by the applicant contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statement therein not false or misleading.

§ 499-fff. Enforcement and administration. 1. The department of finance shall have, in addition to any other functions, powers and duties that have been or may be conferred on it by law, the following functions, powers and duties to be exercised in accordance with this title:

- (a) to apply a tax abatement;
- (b) to revoke all or part of any such tax abatement;
- (c) to make and promulgate rules to carry out the purposes of this title; and
- (d) any other function, power or duty necessarily implied by this title.

2. A designated agency shall have, in addition to any other functions, powers and duties that have been or may be conferred on it by law, the following functions, powers and duties to be exercised in accordance with this title:

- (a) to receive, review, approve and deny applications for tax abatement;
- (b) to inspect green roofs and any related structures and equipment;

(c) to prescribe forms and make and promulgate rules to carry out the purposes of this title;

(d) to make the determinations provided for in sections four hundred ninety-nine-ccc and four hundred ninety-nine-eee of this title and to notify the department of finance of such determinations; and

(e) any other function, power or duty necessarily implied by this title.

3. If a designated agency determines that an architect or engineer or other certified or licensed professional whom such agency designates by rule, in making any certification under this title or any rule promulgated hereunder, engaged in professional misconduct, then such department shall so inform the education department or other appropriate certifying or licensing authority.

4. A designated agency may provide for reasonable administrative charges or fees necessary to defray expenses of administering the tax abatement program established by this title.

5. A designated agency and the department of finance shall establish procedures that are necessary or appropriate for (a) the timely notification to the department of finance by a designated agency of an approval of an application for tax abatement or of any noncompliance pursuant to section four hundred ninety-nine-eee of this title and (b) any other interagency coordination to facilitate the purposes of this title.

§ 499-ggg. Tax lien and interest. All taxes, with interest, required to be paid retroactively pursuant to this title shall constitute a tax lien as of the date it is determined such taxes and interest are owed. All interest shall be calculated from the date the taxes would have been due but for the tax abatement granted pursuant to this title at the applicable rate or rates of interest imposed generally for non-payment of real property tax with respect to the eligible building for the period in question.

TITLE 4-C

**SOLAR ELECTRIC GENERATING SYSTEM AND ELECTRIC ENERGY STORAGE EQUIPMENT
TAX ABATEMENT FOR CERTAIN PROPERTIES IN A CITY OF ONE MILLION OR MORE
PERSONS**

Section 499-aaaa. Definitions.

499-bbbb. Real property tax abatement.

499-cccc. Application for tax abatement.

499-dddd. Continuing requirements.

499-eeee. Revocation of tax abatement.

499-ffff. Enforcement and administration.

499-gggg. Tax lien and interest.

§ 499-aaaa. Definitions. When used in this title, the following terms shall have the following meanings:

1. "Applicant" shall mean (a) with respect to an eligible building held in the cooperative or condominium form of ownership, the board of managers of a condominium or the board of directors of a cooperative apartment corporation, or (b) with respect to any other eligible building, the owner of such building.

2. "Application for tax abatement" shall mean an application for a solar electric generating system and/or electric energy storage equipment tax abatement pursuant to section four hundred ninety-nine-cccc of this title.

3. "Architect" shall mean a person licensed and registered to practice the profession of architecture under the education law.

4. "Compliance period" shall mean the tax year in which a tax abatement commences and the three tax years immediately thereafter.

5. "Department of finance" shall mean the department of finance of a city having a population of one million or more persons.

6. "Designated agency" shall mean one or more agencies or departments of a city having a population of one million or more persons that are designated by the mayor of such city to exercise the functions, powers and duties of a designated agency pursuant to this title.

7. "Eligible building" shall mean a class one, class two or class four real property, as defined in subdivision one of section eighteen hundred two of this chapter, located within a city having a population of one million or more persons. No building shall be eligible for more than one tax abatement pursuant to this title prior to January first, two thousand twenty-four.

8. "Eligible solar electric generating system expenditures" and "eligible electric energy storage equipment expenditures" shall mean reasonable expenditures for materials, labor costs properly allocable to on-site preparation, assembly and original installation, architectural and engineering services, and designs and plans directly related to the construction or installation of a solar electric generating system and/or electric energy storage equipment installed in connection with an eligible building. Solar parking canopy structures shall be considered a solar electric generating system for the purposes of this subdivision. Such eligible expenditures shall not include interest or other finance charges, or any expenditures incurred using a federal, state or local grant.

9. "Engineer" shall mean a person licensed and registered to practice the profession of engineering under the education law.

10. "Solar electric generating system" shall mean a system that uses solar energy to generate electricity. Such system shall not include any equipment connected to a solar electric generating system that is a component of part or parts of a non-solar electric generating system or that uses any sort of recreational facility or equipment as a storage medium.

11. "Electric energy storage equipment" means a set of technologies capable of storing electric energy and releasing that energy as electric

power at a later time. Electric energy storage technologies may store energy as potential, kinetic, chemical or thermal energy that can be released as electric power, and include, but are not limited to, various types of batteries, flywheels, electrochemical capacitors, compressed air storage and thermal storage devices.

§ 499-bbbb. Real property tax abatement. An eligible building shall receive an abatement of real property taxes as provided in this title and the rules promulgated hereunder.

1. The amount of such tax abatement shall be as follows:

(a) if the solar electric generating system is placed in service on or after the effective date of this title and before January first, two thousand eleven, for each year of the compliance period such tax abatement shall be the lesser of (i) eight and three-fourths percent of eligible solar electric generating system expenditures, (ii) the amount of taxes payable in such tax year, or (iii) sixty-two thousand five hundred dollars; or

(b) if the solar electric generating system is placed in service on or after January first, two thousand eleven, and before January first, two thousand thirteen, for each year of the compliance period such tax abatement shall be the lesser of (i) five percent of eligible solar electric generating system expenditures, (ii) the amount of taxes payable in such tax year, or (iii) sixty-two thousand five hundred dollars; or

(c) if the solar electric generating system is placed in service on or after January first, two thousand thirteen, and before January first, two thousand fourteen, for each year of the compliance period such tax abatement shall be the lesser of (i) two and five-tenths percent of eligible solar electric generating system expenditures, (ii) the amount of taxes payable in such tax year, or (iii) sixty-two thousand five hundred dollars; or

(d) if the solar electric generating system is placed in service on or after January first, two thousand fourteen, and before January first, two thousand twenty-four, for each year of the compliance period such tax abatement shall be the lesser of (i) five percent of eligible solar

electric generating system expenditures, (ii) the amount of taxes payable in such tax year, or (iii) sixty-two thousand five hundred dollars; or

(e) if electric energy storage equipment is placed in service on or after January first, two thousand nineteen, and before January first, two thousand twenty-four, for each year of the compliance period such tax abatement shall be the lesser of (i) ten percent of eligible electric energy storage equipment expenditures, (ii) the amount of taxes payable in such tax year, or (iii) sixty-two thousand five hundred dollars; or

(f) if the solar electric generating system and/or electric energy storage system is placed in service on or after January first, two thousand twenty-four, and before January first, two thousand thirty-five, for each year of the compliance period such tax abatement shall be the lesser of (i) seven and one-half percent of eligible solar electric generating system and/or energy storage system expenditures, (ii) the amount of taxes payable in such tax year, or (iii) sixty-two thousand five hundred dollars.

2. Such tax abatement shall commence on July first following the approval of an application for tax abatement by a designated agency, and may not be carried over to any subsequent tax year.

3. With respect to any eligible building held in the condominium form of ownership that receives a tax abatement pursuant to this title, such tax abatement benefits shall be apportioned among all of the condominium tax lots within such eligible building.

4. If, as a result of application to the tax commission or a court order or action by the department of finance, the billable assessed value for any fiscal year in which the tax abatement is taken is reduced after the assessment roll becomes final, the department of finance shall recalculate the abatement so that the abatement granted shall not exceed the annual tax liability as so reduced. The amount equal to the difference between the abatement originally granted and the abatement as so recalculated shall be deducted from any refund otherwise payable or remission otherwise due as a result of such reduction in billable

assessed value.

§ 499-cccc. Application for tax abatement. 1. To obtain a tax abatement pursuant to this title, an applicant must file an application for tax abatement, which may be filed on or after January first, two thousand nine, and on or before January first, two thousand thirty-six.

2. Such application shall be filed with a designated agency no later than the March fifteenth before the first tax year, beginning July first, for which the tax abatement is sought.

3. Such application shall contain the following:

(a) The name and address of the applicant and the location of the solar electric generating system or the electric energy storage equipment.

(b) Proof that the applicant received all required certifications, permits and other approvals to construct the solar electric generating system or the electric energy storage equipment.

(c) Certifications in a form prescribed by a designated agency, from an architect, engineer or other certified or licensed professional whom a designated agency designates by rule, that (i) a solar electric generating system or electric energy storage equipment has been placed in service in connection with an eligible building in accordance with this title, the rules promulgated hereunder, and local construction and fire codes, and (ii) if the solar electric generating system or electric energy storage equipment has been placed on the roof of a building or other structure, that a structural analysis has been performed establishing that such building or structure can sustain the load of such solar electric generating system or electric energy storage equipment. All certifications required by this title or the rules promulgated hereunder shall set forth the specific findings upon which the certification is based, and shall include information sufficient to identify the eligible building, the certifying engineer, architect or other professional, and such other information as may be prescribed by a designated agency.

(d) An agreement to permit a designated agency or its designee to

inspect the solar electric generating system or electric energy storage equipment and any related structures and equipment upon reasonable notice.

(e) Any other information or certifications required by a designated agency pursuant to this title and the rules promulgated hereunder.

4. An application for tax abatement shall be in any format prescribed by a designated agency, including electronic form.

5. An application for tax abatement shall be approved by a designated agency upon determining that the applicant has submitted proof acceptable to such agency that the requirements for obtaining a tax abatement pursuant to this title and the rules promulgated hereunder have been met. The burden of proof shall be on the applicant to show by clear and convincing evidence that the requirements for granting a tax abatement have been satisfied.

6. Upon notification from a designated agency that an application for tax abatement has been approved, the department of finance shall apply the tax abatement, provided there are no outstanding real estate taxes, water and sewer charges, payments in lieu of taxes or other municipal charges with respect to the eligible building.

§ 499-dddd. Continuing requirements. The tax abatement shall be conditioned upon:

1. continuing compliance during the compliance period with all applicable provisions of law, including without limitation the local construction and fire codes, maintaining the solar electric generating system or electric energy storage equipment in such a manner that it continuously constitutes a solar electric generating system or electric energy storage equipment within the meaning of this title and the rules promulgated hereunder, and permitting a designated agency or its designee to inspect the solar electric generating system or electric energy storage equipment and any related structures and equipment upon reasonable notice; and

2. real estate taxes, water and sewer charges, payments in lieu of taxes or other municipal charges with respect to an eligible building not having been due and owing during the compliance period for a period of six months or more.

§ 499-eeee. Revocation of tax abatement. 1. The department of finance shall revoke, in whole or in part, any tax abatement granted pursuant to this title whenever a designated agency has determined and notified the department of finance that:

(a) an applicant has failed to comply with a requirement of this title or any rule promulgated hereunder at any time during the compliance period, including without limitation any of the continuing requirements set forth in subdivision one of section four hundred ninety-nine-dddd of this title;

(b) an eligible building has not been in compliance at any time during the compliance period with a requirement of this title or any rule promulgated hereunder;

(c) the solar electric generating system or electric energy storage equipment for which a tax abatement was granted has at any time during the compliance period failed to meet any requirement for a solar electric generating system or electric energy storage equipment pursuant to this title or any rule promulgated hereunder;

(d) the solar electric generating system or electric energy storage equipment has become a fire or safety hazard at any time during the compliance period; or

(e) an application, certification, report or other document submitted by the applicant contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statement therein not false or misleading.

2. The department of finance may revoke, in whole or in part, any tax abatement granted pursuant to this title whenever it has determined that an applicant has failed to comply with the continuing requirement set forth in subdivision two of section four hundred ninety-nine-dddd of this title.

3. Where it has been determined by a designated agency, after notice and an opportunity to be heard, that any of the provisions of subdivision one of this section have not been complied with, such designated agency shall so notify the department of finance no later than the ninetieth day after the last day of the compliance period.

4. An applicant shall pay, with interest, such part of any tax abatement received pursuant to this title that represents the period of non-compliance as determined by the designated agency or the department of finance, as the case may be. In addition, a designated agency may declare any applicant ineligible for future tax abatement pursuant to this title if any application, certification, report or other document submitted by the applicant contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statement therein not false or misleading.

§ 499-ffff. Enforcement and administration. 1. The department of finance shall have, in addition to any other functions, powers and duties that have been or may be conferred on it by law, the following functions, powers and duties to be exercised in accordance with this title:

- (a) to apply a tax abatement;
- (b) to revoke all or part of any such tax abatement;
- (c) to make and promulgate rules to carry out the purposes of this title; and
- (d) any other function, power or duty necessarily implied by this title.

2. A designated agency shall have, in addition to any other functions, powers and duties that have been or may be conferred on it by law, the following functions, powers and duties to be exercised in accordance with this title:

- (a) to receive, review, approve and deny applications for tax abatement;
- (b) to inspect solar electric generating systems or electric energy

storage equipment and any related structures and equipment;

(c) to establish permit or certification requirements to determine when the solar electric generating system or electric energy storage equipment has been placed in service, such as certification by an architect, engineer or other certified or licensed professional whom a designated agency designates by rule;

(d) to establish guidance and procedures for determining or certifying eligible solar electric generating system or electric energy storage equipment expenditures;

(e) to prescribe forms and make and promulgate rules to carry out the purposes of this title;

(f) to make the determinations provided for in sections four hundred ninety-nine-cccc and four hundred ninety-nine-eeee of this title and to notify the department of finance of such determinations; and

(g) any other function, power or duty necessarily implied by this title.

3. If a designated agency determines that an architect or engineer or other certified or licensed professional whom a designated agency designates by rule, in making any certification under this title or any rule promulgated hereunder, engaged in professional misconduct, then such department shall so inform the education department or other appropriate certifying or licensing authority.

4. A designated agency may provide for reasonable administrative charges or fees necessary to defray expenses of administering the tax abatement program established by this title.

5. A designated agency and the department of finance shall establish procedures that are necessary or appropriate for (a) the timely notification to the department of finance by a designated agency of an approval of an application for tax abatement or of any noncompliance pursuant to section four hundred ninety-nine-eeee of this title and (b) any other interagency coordination to facilitate the purposes of this title.

§ 499-gggg. Tax lien and interest. All taxes, with interest, required to be paid retroactively pursuant to this title shall constitute a tax lien as of the date it is determined such taxes and interest are owed. All interest shall be calculated from the date the taxes would have been due but for the tax abatement granted pursuant to this title at the applicable rate or rates of interest imposed generally for non-payment of real property tax with respect to the eligible building for the period in question.

* TITLE 5

**ASSESSMENT CEILINGS FOR LOCAL PUBLIC
UTILITY MASS REAL PROPERTY**

Section 499-hhhh. Definitions.

499-iiii. Annual fee.

499-jjjj. Assessment of local public utility mass real property.

499-kkkk. Assessment ceiling.

499-llll. Local public utility mass real property value.

499-mmmm. Equitable ratio of assessment.

499-nnnn. Equalization rate.

499-oooo. Tentative determination of assessment ceiling; notice, complaints and hearing.

499-pppp. Final determination of assessment ceiling; certificate.

499-qqqq. Application of assessment ceiling; computation of exemption.

499-rrrr. Reports to commissioner.

499-ssss. Inspection of accounts and property of public utilities.

* NB Repealed January 1, 2031

* **§ 499-hhhh. Definitions.** When used in this title:

1. "Local public utility mass real property" means public utility mass real property that is located in a particular town, village, city or county assessing unit and under the same ownership.

2. "Local assessing jurisdiction" means the town, city, village or county assessing unit that establishes the assessment rolls for such town, city, village or county.

3. "Public utility mass real property" means real property, including conduits, cables, lines, wires, poles, supports and enclosures for electrical conductors located on, above and below real property, which is used in the transmission and distribution of telephone or telegraph service, and electromagnetic voice, video and data signals. Such term shall include all property described in paragraphs (d) and (i) of subdivision twelve of section one hundred two of this chapter. Special franchise property as described in subdivision seventeen of section one hundred two of this chapter, and all property described in paragraphs (a) and (b) and subparagraphs (A), (B), (C) and (D) of paragraph (i) of subdivision twelve of section one hundred two of this chapter shall not be considered public utility mass real property for purposes of this title.

4. "Taxation" means an ad valorem levy or special assessment for which public utility mass real property is otherwise liable pursuant to this chapter.

* NB Repealed January 1, 2031

* **§ 499-iiii. Annual fee.** Any costs and expenses incurred by the commissioner in the establishment of assessment ceilings for local public utility mass real property shall be paid from the collection of an annual charge upon the owners of local public utility mass real property. The commissioner shall provide by rule for computation of such charge through the apportionment of these costs and expenses to owners of local public utility mass real property in relation to the total full value of the local public utility mass real property eligible for an assessment ceiling pursuant to this title. Prior to collecting payment of such charges, the commissioner shall annually provide a detailed report to each owner of local public utility mass real property identifying costs related to establishment of assessment ceilings,

including, but not limited to, expenditures, revenue sources and any allocations. The charges established pursuant to this section shall be subject to the approval of the director of the budget. Each owner of local public utility mass real property shall be authorized to challenge any such charges pursuant to article seventy-eight of the civil practice law and rules.

* NB Repealed January 1, 2031

*** § 499-jjjj. Assessment of local public utility mass real property.**

Subject to the provisions of section four hundred ninety-nine-qqqq of this title, the assessor in each city, town and village, and in each county having a county department of assessment, shall annually assess all local public utility mass real property situated in such city, town, village or county, as the case may be. Where a village has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, the town or county assessor shall apportion that part of the assessment of local public utility mass real property in the town or county to the village for village tax purposes.

* NB Repealed January 1, 2031

*** § 499-kkkk. Assessment ceiling.** 1. To determine the extent to which local public utility mass real property shall be exempt under this title, an assessment ceiling for the local public utility mass real property shall be established annually by the commissioner as follows:

(a) Determine: (i) the local public utility mass real property value in accordance with the provisions of section four hundred ninety-nine-mmmm of this title; and (ii) the equalization rate factor for the local public utility mass real property in accordance with the provisions of section four hundred ninety-nine-nnnn of this title.

(b) Multiply the local public utility mass real property value by the equalization rate factor.

The result shall be the assessment ceiling.

2. The valuation date for all local public utility mass real property

shall be January first of the year preceding the year in which the assessment roll on which such property is to be assessed, completed and filed in the office of the city or town clerk. The taxable status for all local public utility mass real property shall be based upon its condition and ownership as of the taxable status date applicable to the assessment roll on which it is to appear.

3. (a) For assessment rolls with taxable status dates in each of the three calendar years including and following the year in which this section shall take effect, the commissioner shall establish no assessment ceiling that is less than ninety percent or more than one hundred ten percent of the assessment of such local public utility mass real property appearing on the municipal assessment roll with a taxable status date occurring in the second preceding calendar year from when this section shall take effect, except that the commissioner may establish assessment ceilings below the ninety percent level or above the one hundred ten percent level to take into account any change in level of assessment and/or to take into account any additions or retirements to public utility mass real property or litigation affecting the value or taxable status of the local public utility mass real property initiated prior to the effective date of this section.

(b) For assessment rolls with taxable status dates in the years two thousand eighteen, two thousand nineteen and two thousand twenty, the commissioner shall establish no assessment ceiling that is below the lower limit or above the upper limit specified in this paragraph, except that the commissioner may establish assessment ceilings below such lower limit or above such upper limit to take into account any change in level of assessment and/or to take into account any additions or retirements to public utility mass real property or litigation affecting the value or taxable status of the local public utility mass real property initiated prior to the effective date of this section.

(i) For assessment rolls with taxable status dates in two thousand eighteen, the assessment ceiling shall not be less than seventy-five percent or more than one hundred twenty-five percent of the assessment of such local public utility mass real property appearing on the municipal assessment roll with a taxable status date occurring in the year two thousand thirteen.

(ii) For assessment rolls with taxable status dates in two thousand nineteen, the assessment ceiling shall not be less than fifty percent or more than one hundred fifty percent of the assessment of such local public utility mass real property appearing on the municipal assessment roll with a taxable status date occurring in the year two thousand thirteen.

(iii) For assessment rolls with taxable status dates in two thousand twenty, the assessment ceiling shall not be less than twenty-five percent or more than one hundred seventy-five percent of the assessment of such local public utility mass real property appearing on the municipal assessment roll with a taxable status date occurring in the year two thousand thirteen.

* NB Repealed January 1, 2031

*** § 499-llll. Local public utility mass real property value.** The commissioner shall compute the local public utility mass real property value as follows:

1. The local reproduction cost of the public utility mass real property of each public utility mass real property owner in every assessing unit is the cost of reproduction, less depreciation of that public utility mass real property.

2. In ascertaining depreciation of property under this section, consideration may be given to the age, physical condition, average service lives of assets and other relevant factors.

3. Adjustments for economic or functional obsolescence shall only be made upon application by a public utility mass real property owner. Every such application shall be submitted with the annual report required by section four hundred ninety-nine-rrrr of this title.

* NB Repealed January 1, 2031

*** § 499-mmmm. Equitable ratio of assessment.** The commissioner and any assessing authority shall be prohibited from assessing local public

utility mass real property at a value that has a higher ratio to the full value of the local public utility mass real property than the ratio of assessed value of other real property in the same assessment class and jurisdiction to its full value, as provided in section three hundred five of this chapter.

* NB Repealed January 1, 2031

* **§ 499-nnnn. Equalization rate.** In determining assessment ceilings, the commissioner shall apply the final state equalization rate used for the local assessing jurisdiction on the assessment roll for the year immediately preceding the year in which the assessment ceiling is being established, except that (1) if a special equalization rate was established for such assessment roll, such rate shall be applied, and (2) in the case of a special assessing unit as defined in section eighteen hundred one of this chapter, the equalization rate to be applied shall be the applicable class equalization rate used on such assessment roll.

* NB Repealed January 1, 2031

* **§ 499-oooo. Tentative determination of assessment ceiling; notice, complaints and hearing.** 1. Each year the commissioner shall make a tentative determination of an assessment ceiling for all local public utility mass real property. Thereafter, the commissioner shall give notice, in writing or electronically, to each assessing unit and each owner of local public utility mass real property for which such tentative determination of an assessment ceiling shall have been made, specifying the amount of such ceiling, and making available for inspection and copying the computations used to establish the tentative assessment ceiling amount pursuant to the public officers law, and setting forth the time and place where the commissioner or his or her designee will meet to hear any complaint concerning such tentative determination. Such notice shall be sent electronically and served in writing at least forty-five days prior to the date specified for such hearing.

2. A tentative assessment ceiling may be challenged before the commissioner as follows:

(a) An owner of local public utility mass real property or the local assessing jurisdiction objecting to a tentative ceiling must serve a complaint upon the commissioner, in writing, and a copy thereof upon the assessing unit or owner of local public utility mass real property, as the case may be, at least ten days before the date specified for the hearing. The complaint shall specify the objections to such tentative determination. Service may be made either in person or by mail.

(b) On or before the date specified for the hearing, an affidavit of service shall be filed with the commissioner stating that service has been made in accordance with the provisions of this section.

3. The commissioner or his or her designee shall meet at the time and place specified in such notice set forth in subdivision one of this section to hear complaints in relation to the tentative determination of the assessment ceiling. The provisions of section five hundred twelve of this chapter shall apply so far as may be practicable to a hearing under this section. Nothing contained in this subdivision shall be construed to require a hearing to be conducted when no complaints have been filed.

* NB Repealed January 1, 2031

*** § 499-pppp. Final determination of assessment ceiling; certificate.**

1. After the hearing provided in section four hundred ninety-nine-0000 of this title, the commissioner shall finally determine the assessment ceiling for the local public utility mass real property of each local public utility mass real property owner situated in each assessing unit.

2. Notwithstanding that a complaint may not have been filed with respect to a tentative determination of an assessment ceiling, the commissioner shall give effect to any special equalization rate established pursuant to section twelve hundred twenty-four of this chapter prior to the date for the final determination of the assessment ceiling.

3. No later than ten days before the last date prescribed by law for

the levy of taxes, the commissioner shall file a certificate setting forth each assessment ceiling as finally determined with the assessor of the appropriate assessing unit or the town or county assessor who prepares a copy of the applicable part of the town or county assessment roll for village tax purposes as provided in subdivision three of section fourteen hundred two of this chapter. The commissioner shall, at the same time, transmit to each owner of local public utility mass real property for which such ceiling has been determined a duplicate copy of such certificate.

4. (a) Any final determination of an assessment ceiling by the commissioner pursuant to subdivision one of this section shall be subject to judicial challenge by an owner of local public utility mass real property or a local assessing jurisdiction in a proceeding under article seven of this chapter; provided however, the time to commence such proceeding shall be within sixty days of the issuance of the final assessment ceiling certificate and all questions of fact and law shall be determined de novo. Any judicial proceeding shall be commenced in the supreme court in the county of Albany or the county agreed upon by the parties in which the local public utility mass real property is located.

(b) Nothing in this section shall preclude a challenge of the assessed value established by a local assessing jurisdiction with respect to local public utility mass real property as otherwise provided in article seven of this chapter, provided however that:

(i) Upon motion of the local assessing jurisdiction, such challenge shall be consolidated with the challenge to the final assessment ceiling commenced pursuant to this subdivision and litigated in the venue specified by this subdivision.

(ii) In any proceeding initiated by an owner of local public utility mass real property challenging an assessed value established by a local assessing jurisdiction for local public utility mass real property, the final certified assessment ceiling established pursuant to subdivision one of this section, and the evidence submitted in connection therewith, may be considered by the court when determining the merits of the challenge to the assessed value established by the assessing unit.

(iii) In such a proceeding, the local assessing jurisdiction, upon request to the local public utility mass real property owner, shall be

provided with a copy of the portion of the annual report provided to the commissioner under section four hundred ninety-nine-rrrr of this title that directly relates to the local public utility mass real property located within the local assessing jurisdiction, provided that:

(A) Such report, or the applicable portion thereof, need only be so provided if (1) the property at issue in the proceeding is property to which an assessment ceiling applies, and (2) the assessed value established by the assessing unit for the property is no greater than the assessment ceiling set for the property by the commissioner.

(B) Notwithstanding any other requirements of law to the contrary, the annual report or portion thereof so provided shall be treated by the local assessing jurisdiction as confidential in all respects, and shall not be published or otherwise disclosed to any person or agency, except that such report may be shared with persons who are providing the local assessing jurisdiction with legal or appraisal services in connection with the litigation, in which case such persons shall be likewise obliged to treat such report as confidential in all respects, and except that such report may be offered into evidence in the litigation, subject to its admissibility being determined by the court. If ruled admissible, the owner of public utility mass real property may move the court for an order directing that the portion of the record containing such report, or the applicable portion thereof, not be made available for public inspection or disclosure. If such a motion is made, the local assessing jurisdiction shall be deemed to consent thereto.

(C) If the local public utility mass real property owner is required by this subparagraph to provide to the local assessing jurisdiction such report, or the applicable portion thereof, but it fails to do so within thirty days of such a request, the proceeding shall be dismissed.

* NB Repealed January 1, 2031

*** § 499-qqqq. Application of assessment ceiling; computation of exemption.** 1. Upon receipt of a certificate setting forth the final certified assessment ceiling for local public utility mass real property, the assessor shall compare the assessed valuations attributable to the local public utility mass real property for each owner of local public utility mass real property included in the

assessment ceiling. Where the owner of the local public utility mass real property reports information by specific property identification to the commissioner or the local assessing jurisdiction has implemented a system by the commissioner standardizing the identity of public utility mass real property on assessment rolls, such certified assessment ceilings shall be provided by the commissioner, as set forth on the local assessing jurisdiction's assessment rolls. Where the assessed valuation does not exceed the final certified assessment ceiling, as set forth in the certificate for the local public utility mass real property, the assessor need not make any adjustment in such assessed valuation. Provided, however, the assessed valuation exceeds the final certified assessment ceiling, as set forth in the certificate, such local public utility mass real property shall be exempt from taxation to the extent of such excess and the assessor shall forthwith reduce the assessments of such local public utility mass real property, so that the taxable assessed valuation of such property shall not exceed the certified assessment ceiling. All certificates of assessment ceilings shall be attached to the assessment roll or filed therewith as provided in article fifteen-C of this chapter.

2. The assessor is hereby authorized and directed to make the reductions, if any, provided for in this section on the assessment roll of the local assessing jurisdiction in which the local public utility mass real property is located, notwithstanding the fact that he or she may receive the certificate of the assessment ceiling after the final completion, verification and filing of such assessment roll. Other local officers, including school authorities, applying such final assessment roll, are hereby authorized and directed, on the basis of information which shall be provided by the assessor, to make the reductions provided for in this section on their respective tax rolls prior to levy of tax or, if received after the tax rolls have been established, to correct any tax levy of local public utility mass real property to reflect such reduction. If the reduction is made after the tax levy and payment of same by the owner of local public utility mass real property, then such owner of local public utility mass real property shall be entitled to a refund in accordance with section seven hundred twenty-six of this chapter.

3. In assessing units for which he or she is required by law to prepare an assessment roll, the assessor of a county having a county department of assessment shall perform all the acts prescribed for an assessor by this title. Where a village has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, the assessor of the town or county who prepares a copy of this applicable part of the town or county assessment roll for village tax purposes shall also perform the acts prescribed for assessors by this title on behalf of the village.

* NB Repealed January 1, 2031

*** § 499-rrrr. Reports to commissioner.** 1. The commissioner may require from an owner of a local public utility mass real property an annual report that shall include such information and data that is prescribed in regulation by the commissioner and is reasonable and necessarily related to the establishment of a ceiling assessment by the commissioner for the local public utility mass real property, and which shall be in the same format and substance as required for special franchise property pursuant to article six of this chapter. Such reports shall be the same for similarly situated local public utility mass real property owners.

2. Every report required by or pursuant to this section shall be made by a person authorized to prepare such reports and having knowledge of the contents thereof, or who is authorized to obtain such information. The commissioner may prepare and require the use of forms for making such reports.

3. Any owner of local public utility mass real property failing to file the annual report pursuant to this section within the time specified by the commissioner shall not be entitled to judicial review of an assessment ceiling that would have been the subject of such report as provided in this title and shall be subject to a fine of one hundred dollars for each day until such report is filed in accordance with this section; provided, however, such fine shall not be applied as a tax lien; and provided, further, such owner of local public utility mass

real property shall not be subject to any other fine or penalty for a violation of this section.

4. In addition to the provisions of subdivision three of this section, if an owner of local public utility mass real property fails to furnish a report required by this section within the required time frame, the commissioner may commence a special proceeding in the supreme court to compel such owner to furnish the report.

5. If an owner of local public utility mass real property fails to submit an annual report as required by this section, the assessment ceiling on the next annual assessment roll shall be calculated using the best information available to the commissioner.

6. If an owner of local public utility mass real property makes reasonable efforts to file an annual report, such owner shall not be subject to any charge or fine pursuant to this section.

* NB Repealed January 1, 2031

*** § 499-ssss. Inspection of accounts and property of public utilities.**

1. The commissioner shall, upon reasonable prior notice, have access at reasonable times to reasonable disclosure of accounts and records established and maintained by a local public utility mass real property owner relating to its local public utility mass real property.

2. The commissioner shall, at reasonable times in the normal business operations of the local public utility mass real property owner, and with prior notice and appointment, and not otherwise limited by federal law or regulations, have access to inspect locations where the local public utility mass real property is situated.

* NB Repealed January 1, 2031

TITLE 6

**CHILDCARE CENTER TAX ABATEMENT FOR CERTAIN PROPERTIES IN A CITY
HAVING A POPULATION OF ONE MILLION OR MORE**

Section 499-aaaaa. Definitions.

499-bbbbb. Real property tax abatement.

499-cccc. Application for tax abatement.

499-ddddd. Continuing requirements.

499-eeee. Revocation of tax abatement.

499-ffff. Enforcement and administration.

§ 499-aaaaa. Definitions. When used in this title, the following terms shall have the following meanings:

1. "Abatement period" means the tax year or tax years in which the abatement is applied by the department of finance to the real property tax liability of an eligible building, provided that such abatement may not be applied to the real property tax liability of such building during more than five tax years.

2. "Applicant" means an owner who files an application for tax abatement.

3. "Application for tax abatement" means an application for a childcare center tax abatement pursuant to section four hundred ninety-nine-cccc of this title.

4. "Childcare center" means a childcare program for which a permit to operate such program has been issued by the department of health and mental hygiene pursuant to the health code of the city.

5. "Childcare desert" means a census tract in a city having a population of one million or more where, at the time of an application for tax abatement, there are three or more children under five years of age for each available childcare slot, or where there are no available childcare slots, as of the most recently published determinations by the office of children and family services.

6. "City" means a city with a population of one million or more.

7. "Cost-reasonable" means having a cost that, in its nature and amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

8. "Department of finance" means the department of finance of a city having a population of one million or more.

9. "Department of health and mental hygiene" means the department of health and mental hygiene of a city having a population of one million or more.

10. "Designated agency" means an agency of a city having a population of one million or more that is designated by the mayor of such city to exercise the functions, powers and duties of a designated agency pursuant to this title.

11. "Eligible building" means a class one, class two or class four property, as such classes of property are defined in subdivision one of section eighteen hundred two of this chapter, located within a city having a population of one million or more, provided that, for any such property held in the condominium form of ownership, "eligible building" shall mean a tax lot in such property.

12. "Owner" means the owner of an eligible building, or with respect to an eligible building held in the cooperative form of ownership, the board of directors of a cooperative apartment corporation, or, with respect to an eligible building held in the condominium form of ownership, an owner of a tax lot in such building or the board of managers of such building.

13. "Premises" means the location of a childcare center as specified on the permit for the operation of such center issued by the department of health and mental hygiene pursuant to the health code of the city.

§ 499-bbbbbb. Real property tax abatement. 1. The department of finance

shall provide an abatement of real property taxes pursuant to this section to an eligible building in which construction, conversion, alteration or improvement that is completed on or after April first, two thousand twenty-two has resulted in the creation of a premises of a childcare center or in an increase in the maximum number of children allowed on the premises of an existing childcare center when such center is in operation, as such number is specified in the permit issued by the department of health and mental hygiene to operate such center. The department of finance may only grant one such abatement to any eligible building.

2. (a) (i) Beginning in the tax year commencing on or after July first, two thousand twenty-three, the amount of such tax abatement provided to an eligible building described in subdivision one of this section shall be equal to the costs incurred in the construction, conversion, alteration or improvement that has resulted in the creation of a premises of a childcare center or in an increase in the maximum number of children allowed on the premises of an existing childcare center, provided that such costs are certified in accordance with paragraph (d) of subdivision two of section four hundred ninety-nine-cccc of this title, and provided further that, during the abatement period: (A) the amount of such abatement shall not exceed thirty-five dollars for each square foot of the premises, nor exceed one hundred thousand dollars, for a tax abatement initially taken in a tax year commencing prior to July first, two thousand twenty-five; and (B) the amount of such abatement shall not exceed thirty-five dollars for each square foot of the premises, nor exceed three hundred fifty thousand dollars, for a tax abatement initially taken in a tax year commencing on or after July first, two thousand twenty-five.

(ii) For any tax year, such abatement shall not exceed seven dollars for each square foot of the premises, provided that such amount may be reduced as a result of an allocation of available funds for such abatement pursuant to paragraph (d) of this subdivision; and provided, further, that: (A) the amount of such tax abatement in any tax year shall not exceed the lesser of (I) twenty thousand dollars, or (II) the real property tax liability for the eligible building in the tax year in which such tax abatement is taken, for a tax abatement initially taken

in a tax year commencing prior to July first, two thousand twenty-five; and (B) the amount of a tax abatement in any tax year shall not exceed the lesser of (I) seventy thousand dollars, or (II) the real property tax liability for the eligible building in the tax year in which such tax abatement is taken, for a tax abatement initially taken in a tax year commencing on or after July first, two thousand twenty-five.

(iii) To the extent the amount of such tax abatement exceeds: (A) the lesser of (I) twenty thousand dollars, or (II) the real property tax liability of the eligible building in any tax year, for a tax abatement initially taken in a tax year commencing prior to July first, two thousand twenty-five; or (B) the lesser of (I) seventy thousand dollars, or (II) the real property tax liability of the eligible building in any tax year, for a tax abatement initially taken in a tax year commencing on or after July first, two thousand twenty-five, any amount of such tax abatement that remains may be applied to the real property tax liability of such building in succeeding tax years, provided that such abatement must be applied to the real property tax liability of such building in one or more of the four tax years succeeding the tax year in which such tax abatement was initially taken.

(b) (i) Notwithstanding paragraph (a) of this subdivision, an enhanced tax abatement shall be provided to an eligible building described in subdivision one of this section that is located within a childcare desert as described in this title and in any rules promulgated hereunder. Beginning in the tax year commencing on or after July first, two thousand twenty-three, the amount of such enhanced tax abatement shall be equal to the costs incurred in the construction, conversion, alteration or improvement that has resulted in the creation of a premises of a childcare center or in an increase in the maximum number of children allowed on the premises of an existing childcare center, provided that such costs are certified in accordance with paragraph (d) of subdivision two of section four hundred ninety-nine-cccc of this title, and provided further that, during the abatement period: (A) the amount of such abatement shall not exceed seventy-five dollars for each square foot of the premises nor exceed two hundred twenty-five thousand dollars, for a tax abatement initially taken in a tax year commencing prior to July first, two thousand twenty-five; and (B) the amount of such abatement shall not exceed seventy-five dollars for each square

foot of the premises nor exceed seven hundred fifty thousand dollars, for a tax abatement initially taken in a tax year commencing on or after July first, two thousand twenty-five.

(ii) For any tax year, such abatement shall not exceed fifteen dollars for each square foot of the premises, provided that such amount may be reduced as a result of an allocation of available funds for such abatement pursuant to paragraph (d) of this subdivision; and provided further that: (A) the amount of such enhanced tax abatement in any tax year shall not exceed the lesser of (I) forty-five thousand dollars, or (II) the real property tax liability for the eligible building in the tax year in which such tax abatement is taken, for a tax abatement initially taken in a tax year commencing prior to July first, two thousand twenty-five; and (B) the amount of such enhanced tax abatement in any tax year shall not exceed the lesser of (I) one hundred fifty thousand dollars, or (II) the real property tax liability for the eligible building in the tax year in which such tax abatement is taken, for a tax abatement initially taken in a tax year commencing on or after July first, two thousand twenty-five.

(iii) To the extent the amount of such enhanced tax abatement exceeds: (A) the lesser of (I) forty-five thousand dollars, or (II) the real property tax liability of the eligible building in any tax year, for a tax abatement initially taken in a tax year commencing prior to July first, two thousand twenty-five; or (B) the lesser of (I) seventy thousand dollars, or (II) the real property tax liability of the eligible building in any tax year, for a tax abatement initially taken in a tax year commencing on or after July first, two thousand twenty-five, any amount of such tax abatement that remains may be applied to the real property tax liability of such building in succeeding tax years, provided that such abatement must be applied to the real property tax liability of such building in one or more of the four tax years succeeding the tax year in which the tax abatement was initially taken.

(c) Notwithstanding paragraph (a) or (b) of this subdivision, the aggregate amount of tax abatements authorized pursuant to this section for any tax year shall be a maximum of twenty-five million dollars. No tax abatements shall be authorized pursuant to this section for any tax year commencing on or after July first, two thousand thirty-two.

(d) Such aggregate amount of tax abatements, including the tax abatement described in paragraph (a) of this subdivision and the enhanced tax abatement described in paragraph (b) of this subdivision, shall be allocated by the department of finance on a pro rata basis among applicants whose applications have been approved by the designated agency. If such allocation is not made prior to the date that the real property tax bill, statement of account or other similar bill or statement is prepared, the department of finance shall, as necessary, after such allocation is made, submit an amended real property tax bill, statement of account or other similar bill or statement to any applicant whose abatement requires adjustment to reflect such allocation. Nothing in this paragraph shall be deemed to affect the obligation of any taxpayer under applicable law with respect to the payment of any installment of real property tax for the fiscal year as to which such allocation is made, which was due and payable prior to the date such amended real property tax bills are sent, and the department of finance shall be authorized to determine the date on which any such amended bills be sent and the installments of real property tax be reflected therein.

(e) Notwithstanding any law to the contrary, any abatement granted to an eligible building pursuant to this section shall be in addition to any other abatement or exemption granted to such building, provided that any abatement granted under this section shall be applied after any other abatement or exemption granted to such building, and provided further that the application of this abatement after any other such exemption or abatement shall not exceed the real property tax liability due on such eligible property.

3. Such abatement shall commence on the first of July following the approval of an application for abatement by the designated agency.

4. If, as a result of application to the tax commission or a court order or action by the department of finance, the billable assessed value of the eligible building for the fiscal year in which the tax abatement is taken is reduced after the assessment roll becomes final, the department of finance shall recalculate such abatement so that the abatement granted shall not exceed the annual tax liability of such

building as so reduced. The amount equal to the difference between the initial abatement granted by the department and the abatement as so recalculated shall be deducted from any refund otherwise payable or remission otherwise due as a result of such reduction in billable assessed value.

§ 499-cccc. Application for tax abatement. 1. To obtain a tax abatement authorized by this title, an application for tax abatement shall be filed with a designated agency no later than the fifteenth of March before the tax year, commencing on the first of July, for which the tax abatement authorized by this title is sought, provided, however, that such application for tax abatement may not be filed later than March fifteenth, two thousand twenty-seven.

2. Such application shall contain the following:

(a) The name, address and electronic mail address of the applicant and the location of the eligible building.

(b) Proof that all required permits and other approvals, as further designated by rule, to construct, convert, alter or improve the premises of the childcare center in the eligible building described in subdivision one of section four hundred ninety-nine-bbbbb of this title were obtained.

(c) Proof that the applicant has entered into a lease or other agreement with a person to operate a childcare center in the eligible building described in subdivision one of section four hundred ninety-nine-bbbbb of this title, or a copy of the new or amended permit issued to such childcare center by the department of health and mental hygiene for such operation.

(d) Determinations that have been certified, in a form prescribed by the designated agency, by an engineer, architect, or certified public accountant, licensed and registered pursuant to the education law, or by another certified or licensed professional in the field of business or design, as further designated by rule, as follows:

(i) The area, in square feet, of the premises of the childcare center in the eligible building described in subdivision one of section four hundred ninety-nine-bbbbb of this title;

(ii) The costs incurred in the construction, conversion, alteration or improvement that has resulted in the creation of a premises of a childcare center in such building; or, for construction, conversion, alteration or improvement resulting in an increase in the maximum number of children allowed on the premises of an existing childcare center in such building, such costs that were necessary to increase the maximum number of children allowed on such premises; and

(iii) The reasonableness of the costs to construct, convert, alter or improve the premises of the childcare center in the eligible building described in subdivision one of section four hundred ninety-nine-bbbbb, which requires finding that such costs were cost-reasonable and comparable to the cost of constructing, converting, altering or improving a premises of a childcare center pursuant to the health code of the city in a similar eligible building.

(e) Any other information or certifications required by a designated agency pursuant to this title and the rules promulgated hereunder.

3. An application for tax abatement shall be in any format prescribed by a designated agency, including electronic form.

4. An application for tax abatement shall be approved by a designated agency upon determining that the applicant has submitted proof acceptable to such agency that the requirements for obtaining such tax abatement have been satisfied. The burden of proof shall be on the applicant to show by clear and convincing evidence that the requirements for granting such tax abatement have been satisfied.

5. Upon receipt of notification from a designated agency that an application for tax abatement has been approved, the department of finance shall apply such tax abatement to the real property tax liability of the eligible building for the tax year for which the abatement was sought, provided that there are no outstanding real property taxes, water and sewer charges, payments in lieu of taxes or other municipal charges with respect to the eligible building.

§ 499-ddddd. Continuing requirements. Granting of the tax abatement

authorized by this title requires that an owner whose application for tax abatement has been approved:

1. complies with all applicable provisions of law, including but not limited to, the local health, building and fire codes; and

2. does not have real property taxes, water and sewer charges, payments in lieu of taxes or other municipal charges with respect to an eligible building due and owing during the abatement period for a period of six months or more.

§ 499-eeeeee. Revocation of tax abatement. 1. Notwithstanding any provision of law to the contrary, the department of finance shall revoke, in whole or in part, any tax abatement granted pursuant to this title whenever a designated agency has determined and notified such department that:

- (a) The childcare center in the eligible building of the owner whose application for tax abatement has been approved has ceased operation as a childcare center for a period exceeding one hundred eighty days of the abatement period, except when such childcare center ceases operation due to an act or event beyond the control and without any fault or negligence of the childcare center or of the owner of the eligible building in which such childcare center operates, which may include, but is not limited to, fire, flood, earthquake, storm or other natural disaster, civil commotion, war, terrorism, riot, and labor disputes not brought about by any act or omission of such childcare center or such owner; or

- (b) An application, certification, report or other document submitted by the owner whose application for tax abatement has been approved contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statement therein not false or misleading.

2. The department of finance may revoke, in whole or in part, any tax abatement granted pursuant to this title whenever it has determined that an owner whose application for tax abatement has been approved has

outstanding real property taxes, water and sewer charges, payments in lieu of taxes or other municipal charges that have been due and owing during the abatement period for a period of six months or more.

3. Upon a determination by a designated agency, after notice and an opportunity to be heard, that the childcare center in the eligible building of the owner whose application for tax abatement has been approved has ceased operation as a childcare center for a period exceeding one hundred eighty days of the abatement period, such agency shall notify the department of finance of such determination no later than the ninetieth day after such determination was reached.

4. An owner whose application for tax abatement has been approved, and for whom such tax abatement has been revoked due to a false or misleading statement, or an omission, pursuant to paragraph (b) of subdivision one of this section, shall pay, with interest, such part of any tax abatement received pursuant to this title that represents the period of non-compliance as determined by the designated agency or the department of finance, as the case may be.

§ 499-fffff. Enforcement and administration. 1. The department of finance shall have, in addition to any other functions, powers and duties that have been or may be conferred on it by law, the following functions, powers and duties to be exercised in accordance with this title:

(a) to apply the tax abatement authorized by this title to the real property tax liability of an eligible building;

(b) to revoke all or part of any such tax abatement;

(c) to promulgate rules to carry out the purposes of this title, including, but not limited to, requiring, notwithstanding any inconsistent provision of law, that any submission be made in electronic form; and

(d) any other function, power or duty necessarily implied by this title.

2. A designated agency shall have, in addition to any other functions,

powers and duties that have been or may be conferred on it by law, the following functions, powers and duties to be exercised in accordance with this title:

(a) to accept, review, approve and deny applications for tax abatement;

(b) to promulgate rules to carry out the purposes of this title, including, but not limited to, requiring, notwithstanding any inconsistent provision of law, that any submission be made in electronic form;

(c) to make the determinations provided for in this title; and

(d) any other function, power or duty necessarily implied by this title.

3. If a designated agency determines that an architect, engineer, certified public accountant, or other certified or licensed professional in the field of business or design whom such agency designates by rule, in making any certification under this title or any rule promulgated hereunder, engaged in professional misconduct, such agency shall so inform the education department or other appropriate certifying or licensing authority.

ARTICLE 5

ASSESSMENT PROCEDURE

Title 1. General provisions.

1-a. Administrative review of assessments.

2. Assessment and taxation of certain state lands.

3. Correction of assessment rolls and tax rolls.

4. Miscellaneous provisions.

4-a. Assessment and taxation of watershed conservation easements and watershed agricultural easements acquired by or on behalf of the city of New York for watershed protection purposes.

5. Oil and gas economic units.

TITLE I

GENERAL PROVISIONS

- Section 500. Ascertainment of facts for assessment.
- 501. Examination of assessment inventory and valuation data.
 - 502. Form of assessment roll.
 - 503. Tax maps.
 - 504. Preparation of assessment roll.
 - 505. Verification of tentative assessment roll.
 - 506. Tentative assessment roll; notice of completion.
 - 508. Information to be supplied to non-residents.
 - 510. Notice of increased assessments in towns, cities and certain counties.
 - 510-a. Notice to property owners of changes in the taxable status of their property.
 - 511. Assessment disclosure; notice and meetings.
 - 512. Hearing of complaints.
 - 514. Verification of final assessment roll.
 - 516. Filing of final assessment roll; notice of completion.
 - 518. Change in tax billing address.
 - 520. Assessment and taxation of exempt property upon transfer of title.

§ 500. Ascertainment of facts for assessment. 1. The assessors in each city and town shall maintain an inventory of all the real property located therein including the names of the owners thereof and complete an annual update thereto on or before the first day of March. The physical characteristics of real property included in such inventory shall constitute a public record and shall be available for public inspection and copying in accordance with paragraph (b) of subdivision two of section eighty-seven of the public officers law except as provided in paragraphs (d) and (f) of subdivision two of section eighty-seven of the public officers law. Disclosure of the inventory data shall not be considered an unwarranted invasion of personal privacy as defined in subdivision two of section eighty-nine of the public officers law.

2. If, in ascertaining facts for purposes of assessment pursuant to

this section, the assessor finds that real property is located within the assessing unit of which he is the assessor but was not entered on the assessment roll of such assessing unit for the preceding year and, in addition, that such real property was entered on the assessment roll of an adjoining assessing unit for such preceding year, the assessor shall not henceforth assess such real property unless:

(a) upon approval of a justice of the supreme court, the adjoining assessing unit agrees in writing that the real property may be so assessed and in which event the adjoining assessing unit shall not assess such real property; or

(b) a judgment of the supreme court is entered in a proceeding pursuant to section two hundred twenty-eight of the county law determining that such real property is not located in the adjoining assessing unit.

3. At least thirty days prior to the return date thereof, a copy of any application for judicial approval of an agreement or any pleading initiating a judicial proceeding pursuant to subdivision two of this section shall be served personally or by certified mail upon each owner, last known owner or reputed owner of real property affected thereby.

4. The entry of real property described in subdivision one of this section in a manner contrary to the provisions of this section shall constitute an unlawful entry as defined in paragraph b of subdivision seven of section five hundred fifty of this chapter.

5. Real property entered on an assessment roll as provided by subdivision two of this section shall not be subject to the provisions of section five hundred fifty-one of this chapter relating to the entry of omitted property on current assessment roll, nor shall the provisions relating to refunds of taxes provided by section five hundred fifty-six of this chapter apply as regards the entry of such real property on an assessment roll of an adjoining assessing unit for preceding years.

§ 501. Examination of assessment inventory and valuation data. 1. Upon ascertainment of real property as required by section five hundred of

this title, the assessor shall forthwith cause a notice, the contents of which are set forth in subdivision two of this section, to be published at least once in each of two consecutive weeks in a newspaper having general local circulation. Notice shall also be posted on the signboard maintained for the posting of legal notices at the entrance of the town clerk's office pursuant to subdivision six of section thirty of the town law.

2. The notice shall state that the assessor has available for review assessment inventory and valuation data, that an appointment may be made to review this information during certain times as specified in the notice, and any other information which the commissioner may require by rule and regulation.

§ 502. Form of assessment roll. 1. The form of the assessment roll shall be prescribed or approved by the commissioner, in accordance with the requirements contained in this section.

2. Provision shall be made with respect to each separately assessed parcel of real property for the entry, in appropriate columns, of the name of the owner, last known owner or reputed owner and a description sufficient to identify the same, including the surnames of the abutting property owners and the names of the abutting streets or highways, the approximate number of square feet, square rods or acres contained therein or a statement of the linear dimensions thereof. Separately assessed privately owned streets or roads, such as those situated within a subdivision, may be described in a single account in the name of the owner, last known owner or reputed owner thereof. When a tax map has been approved by the commissioner, reference to the lot, block and section number or other identification numbers of any parcel on such map shall be deemed a sufficient description of such parcel.

3. The assessment roll shall set forth the uniform percentage of value applicable to the assessing unit (or in a special assessing unit, the uniform percentage of value applicable to the class) pursuant to section three hundred five of this chapter, and shall provide for the entry with

respect to each separately assessed parcel of the assessed valuation of the land exclusive of any improvements, the total assessed valuation, and the full value of the parcel. Nothing herein shall be deemed to require entry of a land value for real property subject to the provisions of article nine-B of the real property law. Only the total assessment, however, shall be subject to judicial review provided by article seven of this chapter.

4. Provision shall be made for the entry of assessments of special franchises in a separate part of the roll, together with the name of the owner and a description thereof sufficient to identify the same.

5. Provision shall be made for the entry of assessments of parcels of real property wholly exempt from taxation in a separate part of the roll. If a parcel of real property is partially exempt, it shall be entered with the taxable property, with the amount of the exemption shown in a separate column. Property exempt from taxation in a limited amount shall be entered with the taxable property although the amount of the exemption equals the assessed valuation.

6. The form of assessment roll prescribed or approved for use in towns shall provide for the entry, in appropriate columns, of the name of the village, if in a village, the number of the school district and the name or number of any special district in which special ad valorem levies are made for district purposes, in which each parcel of real property and each special franchise described on such roll is situated, and shall also provide for the entry of apportionments of special franchise assessments made pursuant to section six hundred sixteen of this chapter and appropriate entries for parcels separately assessed for school district or special district purposes.

7. Provision shall also be made for the entry of the amount of taxes levied for county, city or town purposes and the amount of any special ad valorem levies imposed for special district purposes against each parcel of real property and each special franchise, together with the date of payment thereof and such other items and details as may be required.

8. Provision shall be made for the entry of the separate amounts of real property taxes to be allocated and paid pursuant to section nine hundred sixty-seven of article eighteen-B or section nine hundred seventy-p of article eighteen-C of the general municipal law and for the assessments of parcels of real property upon which such separate amounts of real property taxes are levied.

9. Provision shall be made for the entry of the tax billing address of each separately assessed parcel. For purposes of this chapter, "tax billing address" means the address designated by the owner to which tax bills shall be sent. Such tax billing address may be entered in the form of a code.

§ 503. Tax maps. 1. (a) Each county, except a county wholly within a city, shall prepare and maintain in current condition for each city and town therein a tax map approved by the commissioner. Copies of such maps shall be supplied to each city, town and village in accordance with the provisions of subdivision two of this section; provided, however, that a county need not furnish a tax map for a village unless such village provides for the payment of the cost thereof. It shall be the duty of the assessors of the assessing units for which tax maps have been provided to use such maps in their assessment work and in making up the assessment rolls in accordance with the forms and the instructions furnished by the commissioner.

(b) The commissioner shall promulgate rules which establish standards, specifications and procedures for the preparation and maintenance of tax maps and shall approve tax maps which satisfy such requirements. Such rules may take into consideration other potential land uses of such maps. The commissioner may require from any county applying for approval of a tax map such information as may be necessary including a copy of such tax map.

2. The originals of tax maps approved under this section shall be filed in the office of the county director of real property tax services. With the cooperation and concurrence of the assessor, the

county director shall make such changes from year to year upon such tax maps as may be necessary to maintain the maps in current condition. The expense of maintaining such tax maps in current condition shall be a county charge and shall be levied ad valorem upon all taxable property in the county. On such dates as are appropriate for use in connection with the preparation of assessment rolls, the county director shall furnish each city, town and village that assesses real property for purposes of taxation with a copy of the approved tax map or pertinent portion thereof in current condition. Such copy of the map shall be a public record and shall be filed in the office of the assessor of the city, town or village; provided, however, that if the city, town or village does not maintain an office for the assessor, the map shall be filed in the office of the city, town or village clerk. The county director may file an additional copy of the tax map in the office of the county clerk and shall provide such additional copies to such county or other government agencies as the legislative body of the county may direct.

3. Nothing contained in this section shall be construed to preclude a city, town or village from preparing and maintaining a tax map in accordance with the provisions of this section. The originals of tax maps prepared by a city, town or village and approved under this section shall be filed in the office of the assessor of the city, town or village and shall be maintained in current condition by such assessor. If the city, town or village does not maintain an office for the assessor the map shall be filed in the office of the city, town or village clerk. The assessor shall file an additional copy of such map with the county director, the county clerk and with the officer vested with the power and duty to enforce the collection of taxes.

4.(a) In the preparation of initial tax maps pursuant to this section, the county shall utilize existing tax maps and similar maps to the extent practicable and for such purpose shall obtain from each city, town and village within the county a copy of its existing tax map or similar map, if any. Each city, town or village shall either provide a copy to the county, or shall make such map or maps available to the county for copying. The county shall compensate the city, town or

village for such existing map or similar map upon the basis of the amount by which the cost of preparing the county tax map for the area in the city, town or village is reduced as a result of the utilization of such map.

(b) The cost of the preparation of initial tax maps in accordance with provisions of this section may be levied upon the several cities and towns in the county in accordance with the cost of the maps for such cities and towns respectively or may be levied ad valorem upon all taxable real property in the county, as determined by resolution of the county legislative body. In either event the amount so levied shall include the compensation to cities, towns and villages for existing tax maps or similar maps determined as provided in paragraph (a) of this subdivision. Such cost so levied, whether imposed ad valorem upon all taxable property in the county or charged-back against the respective cities and towns in the county, shall be deemed to be a county purpose.

5. The preparation of tax maps in accordance with the provisions of this section shall not be deemed to be the practice of land surveying within the meaning and intent of article one hundred forty-five of the education law. Nothing contained in this section shall be construed as prohibiting a licensed land surveyor from performing such service. The determination and furnishing of vertical and horizontal control when necessary for photogrammetric purposes to be used in the preparation of a tax map, or any measurement function necessitating ground surveys shall be performed by or under the supervision of a person licensed to practice land surveying under article one hundred forty-five of the education law.

6. The commissioner shall advise and assist counties with respect to the preparation and maintenance of tax maps. All agencies of the state shall cooperate with counties in the preparation of tax maps and, upon request, shall furnish to counties at no cost copies of existing maps in the possession of such agencies which will be of assistance in the preparation of such maps.

7. Nothing contained in this section shall preclude a county legislature at its option, by resolution, from fixing a fee in an amount

not to exceed twenty-five dollars for a one through three lot subdivision map, whether intended as an original subdivision or as an alteration, including correction of a prior subdivision, or an instrument abandoning such subdivision map, or a condominium map; fifty dollars for a four through nine lot subdivision map, whether intended as an original subdivision or as an alteration, including correction of a prior subdivision, or an instrument abandoning such subdivision map, or a condominium map, and one hundred dollars for a ten or more lot subdivision map, whether intended as an original subdivision or as an alteration, including correction of a prior subdivision, or an instrument abandoning such subdivision map, or a condominium map. Such fee shall be paid to the real property tax service agency by any person or corporation filing a map in accordance with the provisions of any general, special or local law or ordinance or of any county, city or village charter, if such map necessitates any change upon a tax map in order to maintain the map in current condition.

8. Notwithstanding any provisions of subdivision seven of this section to the contrary, in a county where there is a tax commission as defined in subdivision four of section fifteen hundred thirty of this chapter, where tax maps are prepared and maintained by cities and towns within the county, the provisions of subdivision seven of this section shall be applicable to such cities and towns in the same manner as if it were a county and the legislative body of the city or town at its option may fix a fee in connection with the filing of a subdivision map as provided therein, such fee to be paid to the city or town, as the case may be. Certification that the fee authorized by this section has been paid as required by section three hundred thirty-four and section three hundred thirty-nine-s of the real property law and section five hundred sixty of this chapter shall be made by the chief executive officer of the city or town.

§ 504. Preparation of assessment roll. 1. The commissioner shall adopt rules and regulations for the preparation and use of the assessment roll and shall advise with and instruct assessors and other officers as to their duties with respect thereto. The assessors shall prepare the roll

in the form prescribed or approved by the commissioner and in accordance with the rules and regulations adopted by such commissioner relative thereto.

2. (a) Except in special assessing units, where a parcel separately assessed for general municipal purposes lies partly within a special district the portion within such special district shall be separately assessed for special district purposes.

(b) In a special assessing unit, where a parcel separately assessed for general municipal purposes lies partly within a special district, school district or village, the portion within each such special district, school district or village shall be separately assessed for special district, school district or village purposes, as the case may be.

3. Real property of a railroad company which has elected to have the provisions of title two-a of article four of this chapter apply to such company shall be assessed in accordance with the provisions of section four hundred eighty-nine-c of this chapter.

4. Whenever a map is filed with a county clerk, pursuant to article nine of the real property law, subdividing a tract of land, the assessor shall enter each lot on that map as a separate parcel on the next tentative assessment roll, unless the assessor determines the separate assessment of one or more lots to be impracticable.

5. Prior to filing the tentative assessment roll in accordance with the provisions of section five hundred six of this title, the assessor may correct any erroneous entries on such roll by making such changes as may be necessary and by executing a verified list of such corrections and filing such list at the same time as the tentative roll is filed. The assessor shall, at the same time, forward a copy of the verified list of corrections to the county director of real property tax services. Any corrections of erroneous entries shall be of no force or effect unless such corrections are included on the verified list of corrections and the duplicate copy of such list filed with the county director of real property tax services.

5-a. Notwithstanding any other provision of the law, real property owned by a homeowners' association may be separately assessed to that association or may be incorporated in the assessments of the parcels of the members of that association. Whenever any real property is so incorporated, the inventory maintained for each parcel shall describe how the value of that real property has been incorporated in the assessment of such parcel.

6. If in the preparation of the roll an error or omission is made in the description of a parcel of real property or in entering or failing to enter the name of the owner, last known owner or reputed owner, such error or omission shall not prevent the levy, collection and enforcement of the payment of the taxes thereon if the parcel can be identified and located with reasonable certainty.

§ 505. Verification of tentative assessment roll. 1. When the tentative assessment roll has been prepared, the assessor, or if such roll was prepared by a board of assessors, at least a majority of such board of assessors, shall severally appear before any officer of the county, authorized by law to administer oaths and shall severally make and subscribe before such officer an oath in the following form: "I (We), the undersigned, do (severally) depose and swear that, to the best of my (our) knowledge and belief, I (we) have set forth in the tentative assessment roll attached hereto or filed herewith all the real property situated in the assessing unit in which I am assessor (we are assessors) and, with the exception of assessments made by the commissioner, I (we) have estimated the value of such real property at the sums which I (we) have determined to be in accordance with the provisions of section three hundred five of the real property tax law", which oath shall be set forth on such tentative assessment roll and signed and verified by the assessor or assessors.

2. If a list of corrections to the roll has been prepared pursuant to subdivision five of section five hundred four of this title, the assessor or assessors shall make and subscribe before such officer an

oath in the following form: "I (We), the undersigned, do (severally) depose and swear that I (we) have set forth in the list of corrections attached hereto or filed herewith all the changes made to and appearing on the tentative assessment roll," which oath shall be set forth on such list of corrections and verified by the assessor or assessors.

§ 506. Tentative assessment roll; notice of completion. 1. On or before the first day of May, the assessor or assessors of each city and town shall complete the tentative assessment roll and make out a copy thereof to be filed with one of their number or, if the assessors so elect, with the town clerk, in the case of towns. The assessor or assessors shall forthwith cause a notice, the contents of which are prescribed by subdivision one of section five hundred twenty-six of this article, to be published once in the official newspaper of such city or town, or if no newspaper has been designated the official newspaper, in a newspaper having general circulation in such city or town. In towns, the assessors shall also forthwith cause a copy of the published notice to be posted on the signboard maintained for the posting of legal notices at the entrance of the town clerk's office pursuant to subdivision six of section thirty of the town law. Every notice given pursuant to this subdivision shall specify the date or dates and times at which the board of assessment review shall meet to hear complaints with respect to assessments.

2. After publication of the notice and until the fourth Tuesday of May, the assessor or the town clerk, as the case may be, with whom the roll is left shall make it available for public inspection as prescribed by subdivision two of section five hundred twenty-six of this article.

3. When an original final assessment roll is prepared pursuant to section five hundred sixteen of this title, the tentative assessment roll shall be retained in the office of the assessor, or if the assessors so elect, with the town clerk, in case of towns, as a public record for a minimum of five years from the date of filing thereof.

§ 508. Information to be supplied to non-residents. 1. No later than fifteen days prior to the date required by law for completion and filing of the tentative assessment roll, any person or corporation, who or which owns or has an interest in real property in a city or town and is a non-resident thereof, may file with the clerk thereof a written demand for a list of each parcel of real property assessed in his or its name, the assessed valuation of each such parcel and any separate assessment thereof for special district or school district purposes made pursuant to subdivision two of section five hundred four of this chapter and the time and place at which the board of assessment review will meet for the purpose of hearing complaints relative thereto. No later than five days after completion and filing of the tentative assessment roll, the assessors shall mail the requested information to such person or corporation. Failure to comply with such demand shall not affect the validity of the assessment.

2. Upon written application received by the assessor or the board of assessment review on or before the date on which such board of assessment review is required by law to meet for the purpose of hearing complaints on the tentative assessment roll by a person who is a non-resident of a city or town or by a corporation owning real property in more than one city or town in the county, the board of assessment review shall fix a time subsequent to the day it will meet to hear complaints, but not later than twenty-one days after that day for a hearing to review the assessment of the real property of such person or corporation in their city or town. The board of assessment review shall send written notice to each applicant of the date, time and place of the adjourned hearing at least ten days prior to the date of such adjourned hearing.

§ 510. Notice of increased assessments in towns, cities and certain counties. 1. Notwithstanding the provisions of any general, special or local law to the contrary, the assessors in towns, cities and counties having power to assess property for tax purposes shall not sooner than one hundred twenty days preceding the date on which the tentative assessment roll is scheduled to be filed and not later than ten days

prior to the date for hearing complaints in relation to assessments mail to each owner of real property in their town, city or county a notice of any increase in the assessment thereof for that year. Such notice shall, at a minimum, specify each parcel of real property, the assessed valuation thereof for that year and the previous year and the net increase in the assessment. Such notice shall indicate whether it includes a preliminary assessment or a tentative assessment. For purposes of this section, a "preliminary assessment" is an assessment as determined by the assessor which does not yet appear on the tentative assessment roll and a "tentative assessment" is an assessment as it appears on the tentative assessment roll. Where a notice of preliminary assessment was sent and the tentative assessment of the parcel differs from its preliminary assessment, not later than ten days prior to the date for hearing complaints in relation to assessments, the assessor shall mail a notice to the owner of such property stating the preliminary assessment and the tentative assessment. All notices sent pursuant to this section shall also include a statement of the date or dates and times at which the board of assessment review shall meet to hear complaints with respect to assessments and that a publication containing procedures for contesting an assessment is available at the assessor's office. Failure to mail any such notice or failure of the owner to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on such real property. The provisions of this section shall not apply to the city of New York which shall continue to be subject to the provisions of the New York city charter.

2. The provisions of subdivision one of this section shall not apply to any assessing unit which sends an assessment disclosure notice and, if thereafter required, a notice of change, pursuant to section five hundred eleven of this chapter.

3. No separate notice shall be required to be mailed pursuant to this section for property subject to taxation pursuant to title two of this article provided the assessor complies with the notice provision of section five hundred forty-two of such title.

§ 510-a. Notice to property owners of changes in the taxable status of their property. 1. Notwithstanding the provisions of any general, special or local law to the contrary, the assessors in towns, counties, and cities, having power to determine the taxable status of property for tax purposes shall, not later than ten days prior to the date for hearing complaints in relation to assessments, or in the case of the city of New York, not later than thirty days prior to the final date for filing an appeal, mail to each owner of such real property in their town, city or county a notice of change which said assessors have made in the taxable status of such property from the status of (a) wholly exempt to taxable in whole or in part or (b) taxable in part to taxable in whole. Such notice shall include a statement of the date or dates and times at which the board of assessment review shall meet to hear complaints with respect to assessments. Provided, however, that no such notice shall be required when a STAR exemption has been removed upon the request of the property owner or at the direction of the commissioner.

2. Failure to mail any such notice or failure of the owner to receive the same shall not prevent the levy, collection and enforcement of the payment of taxes on such real property.

3. The provisions of subdivision one of this section shall not apply to any assessing unit which sends an assessment disclosure notice and, if thereafter required, a notice of change, pursuant to section five hundred eleven of this chapter; provided such notice addresses the discontinuance of an exemption granted on the assessment roll of the preceding year to the property for which the notice is sent.

§ 511. Assessment disclosure; notice and meetings. 1. In the year of a revaluation or update of assessments, if the state equalization rate for the immediately preceding assessment roll was less than eighty-five, the assessor shall, and in any other year may, not later than sixty days prior to the date set by law for the filing of the tentative assessment roll, mail to each owner of real property therein, an assessment disclosure notice in the format provided in paragraph (a) of subdivision

two of this section. However, pursuant to a resolution adopted by the governing board of the assessing unit, other than a special assessing unit or an approved assessing unit which has adopted the provisions of section nineteen hundred three of this chapter, such assessment disclosure notice shall include in lieu thereof the items specified in paragraph (b) of subdivision two of this section.

2. (a) Tax dollar comparison. Such notice shall identify the parcel for which it has been mailed and shall include: (i) the parcel description; (ii) the final taxable assessment of the parcel for the previous year; (iii) the current preliminary taxable assessment of the parcel; (iv) as a minimum, the actual extension of city or town taxes for the prior year to a hypothetical extension of the same taxes against the preliminary determination of assessed value for the current year adjusted for changes in the condition of real property; (v) the difference between the actual and hypothetical extensions; and (vi) a statement advising the owner of real property that the net difference reflected in the statement does not represent the property's tax liability for any ensuing fiscal year. This notice shall contain a statement that tax liability may be affected by changes in (1) municipal budgets, (2) assessments of other real property prior to completion of the final assessment roll, and if school or county taxes, or both, are compared, (3) apportionment of relative municipal shares of county and school district levies. The notice shall also contain a statement that a publication containing procedures for contesting an assessment is available at the assessor's office and such other information as may be required by the commissioner.

(b) Alternative disclosure notice. Such notice shall identify the parcel for which it has been mailed and shall include: (i) the parcel description; (ii) the final taxable assessment of the parcel for the previous year; (iii) the current preliminary taxable assessment of the parcel; and (iv) an estimate of how much the tax liability of the parcel would change if the preliminary taxable assessments should be implemented and if all other relevant factors should remain constant. Such estimate shall be calculated by subtracting the percentage change in the preliminary taxable assessment of the parcel from the percentage change in the preliminary total taxable assessments of the assessment

roll as a whole, and dividing that result by the percentage change in the preliminary taxable assessment of the parcel and expressing the result, whether positive or negative, either as a percentage, rounded to the nearest whole percentage, or specifying a range within which the percentage falls, provided that such range shall not exceed five percentage points. The notice shall further state that the estimated change in tax liability is only an estimate, and that the actual tax liability may ultimately be affected by changes in (1) municipal budgets, (2) assessments of other real property prior to completion of the final assessment roll, and (3) if school or county taxes, or both, are compared, apportionment of relative municipal shares of county and school district levies. In addition, the notice shall state: that the preliminary assessments for the assessing unit are subject to adjustment prior to the filing of the tentative assessment roll; and that a publication containing procedures for contesting an assessment is available at the assessor's office.

3. Subsequent to the mailing of the notice required by subdivision one of this section, the assessor and representatives of any independent contractors employed in the revaluation program, shall be available to provide explanations of the program, including consideration of objections or complaints of owners of real property within said assessing unit.

4. In any assessing unit subject to the provisions of this section, if the assessed value of any property on the tentative assessment roll is different from the preliminary determination of assessed value set forth on the assessment disclosure notice described in subdivision one of this section, the assessor, not later than ten days prior to the date set by law for the hearing of complaints by the board of assessment review, shall mail a notice to the owner of such property stating the preliminary determination of assessed valuation on the assessment disclosure notice and the assessment set forth on the tentative assessment roll, explaining the procedure to be followed in obtaining review of such assessment and setting forth the date or dates and times at which the board of assessment review will meet to hear complaints with respect to assessments.

5. Failure to mail either notice described in this section or failure of the owner to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on such real property.

6. No separate notice shall be required to be mailed pursuant to this section for property subject to taxation pursuant to title two of this article provided the assessor complies with the notice provision of section five hundred forty-two of such title.

7. The commissioner shall promulgate rules and regulations to provide for the implementation of the provisions of this section.

8. Whenever an assessing unit has mailed assessment disclosure notices to each owner of real property therein pursuant to this section, that assessing unit is not required to mail notices pursuant to this section if it implements a reassessment at the same uniform percentage of value as the previous reassessment in either of the two years immediately succeeding that previous reassessment.

9. A special assessing unit shall be deemed to be in compliance with the provisions of this section if it provides assessment disclosure notices to property owners in an alternative manner which includes, at a minimum, their tentative assessments, the market values upon which they were based, and the applicable level of assessment.

§ 512. Hearing of complaints. 1. Beginning on the fourth Tuesday of May, or such other date as is established by city charter, county charter, county tax act or other special law, and so many days thereafter as the board of assessment review deems necessary, such board shall meet to hear complaints in relation to assessments.

1-a. The governing body of an assessing unit which employs an assessor who is at the same time employed by another assessing unit may adopt a local law establishing a date for the meetings of the board of assessment review other than that provided in subdivision one of this

section. The date or first date so established may be no earlier than the fourth Tuesday in May and no later than the second Tuesday of June. Such local law shall remain in effect until rescinded or superseded by subsequent local law. A copy of any local law adopted pursuant to this subdivision shall be filed with the clerk of the city or town and with the commissioner in addition to the other filings required by law. In the event no local law is adopted pursuant to this subdivision, the board of assessment review shall meet to hear complaints as prescribed in subdivision one of this section.

2. The persons entitled to file complaints in relation to assessments with the board of assessment review, the time and manner of filing such complaints and the grounds for administrative review of assessments shall be governed by section five hundred twenty-four of this article.

3. At the meeting of the board of assessment review to hear complaints in relation to assessments brought before it, such board shall have all of the powers and duties prescribed by title one-A of this article and by any other law. The board of assessment review may adjourn from time to time for the purpose of hearing complaints.

* 4. Notwithstanding any local law to the contrary, where the real property is residential in whole or in part and all or part is occupied by a renter whose interest or interests are described in section three hundred four of this chapter, the owner and/or any such renter or organization consisting solely of such renters may file a complaint pursuant to this section and be entitled to all legal rights contained in this section. A complaint by such renter or organization shall be deemed a complaint on the assessment of the entire real property.

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

§ 514. Verification of final assessment roll. When the tentative assessment roll has been changed after the hearing and determination of all complaints as provided in title one-A of this article, the assessor, or if the final assessment roll was prepared by a board of assessors, the board, or a majority of them, shall severally appear before any officer of the county authorized by law to administer oaths and shall

severally make and subscribe before such officer an oath in the following form: "I (We), the undersigned, do (severally) depose and swear that, to the best of my (our) knowledge and belief, the foregoing final assessment roll conforms in all respects to the tentative assessment roll with the exception of changes made by the board of assessment review and assessments made by the commissioner," which oath shall be set forth on such final assessment roll and signed and verified by the assessor or assessors.

§ 516. Filing of final assessment roll; notice of completion. 1. On or before the first day of July, the assessor or assessors shall complete the final assessment roll, deliver the original to the clerk of the county legislative body, and prepare and file a certified copy in the office of the city or town clerk. The assessor or assessors shall forthwith cause a notice to be published once in the official newspaper of such city or town, or if no newspaper has been designated the official newspaper, in a newspaper having general circulation in such city or town, stating that the final assessment roll has been completed and a certified copy thereof so filed for public inspection. In towns, the assessors shall also cause a copy of the published notice to be posted on the signboard maintained for the posting of legal notices at the entrance of the town clerk's office pursuant to subdivision six of section thirty of the town law.

2. The certified copy of the final assessment roll shall be retained in the office of the city or town clerk as a public record for a minimum of ten years from the date the final assessment roll was filed.

3. Notwithstanding the foregoing provisions of this section, the county legislative body may require additional copies of the assessment roll to be made and specify by whom such additional copies shall be made.

§ 518. Change in tax billing address. Where the assessor receives a report of a transfer occurring after the taxable status date, or is

otherwise notified of a change in tax billing address, the assessor shall enter the new tax billing address on the data file, as that term is defined in section fifteen hundred eighty-one of this chapter. Where no such data file exists, the assessor shall enter the new tax billing address on the assessment roll. If the assessor does not have custody of the assessment roll when such report is received, he or she shall report the new tax billing address to the person having custody of the tax roll, which person shall enter the new tax billing address on the tax roll. Nothing contained herein shall be construed to authorize a change of the name of the owner included in the data file or appearing on the roll.

§ 520. Assessment and taxation of exempt property upon transfer of title. 1. Whenever any person, association or corporation not otherwise entitled to an exemption from taxation acquires title to real property which is exempt, in whole or in part, from taxation, such property shall be immediately subject to taxation and shall be taxed pro rata for the unexpired portion of any fiscal year during which said transfer of title occurred, and shall be liable in full for taxes in any fiscal year commencing subsequent to the date of transfer, as provided in this section.

2. If within the fiscal year during which a transfer of title occurs or within the next succeeding fiscal year, an assessor is made aware of the fact that title to real property receiving a total or partial exemption from taxation has been transferred to a person, corporation or association not otherwise entitled to an exemption from taxation, he or she shall forthwith assess such property at its value as of the date of transfer, shall, where appropriate for purposes of article eighteen or nineteen of this chapter, reclassify the property, and shall notify the new owner of the assessment and of the right of that owner to a review of the assessment and reclassification, if appropriate, as provided by title three of article five of this chapter.

3. For purposes of any fiscal year or years during which title to such property is transferred, such property shall be deemed to have been

omitted and the assessed value thereof shall be entered on the assessment roll to be used for the next tax levy by or for each municipal corporation in which such property is located in the same manner as provided by title three of article five of this chapter with respect to a parcel omitted from the assessment roll of the previous year. A pro rata tax shall be extended against the property for the unexpired portion of each fiscal year. Such real property shall be taxed at the tax rate or tax rates for the fiscal year during which the transfer occurred. The amount of tax or taxes levied pursuant to this subdivision shall be deducted from the aggregate amount of taxes to be levied for the fiscal year immediately succeeding the fiscal year during which the transfer occurred.

4. For purposes of any fiscal year commencing on or after the date on which title to such property is transferred, if the assessor receives notice of such transfer prior to the levy of taxes for said fiscal year, the assessed value of such property shall be entered on the assessment roll to be used for the levy of taxes for said fiscal year in the same manner as provided by title three of article five of this chapter with respect to a parcel of property omitted from the assessment roll. If the assessor fails to receive notice of such transfer until after the levy of taxes for said fiscal year or for any reason fails to add such property to the assessment roll as provided by this subdivision, the property shall be deemed to have been omitted and shall be assessed as provided in subdivision three of this section and shall be liable in full for the taxes levied for said fiscal year.

5. The provisions of this section shall not apply when the transferred property is receiving only the school tax relief (STAR) exemption authorized by section four hundred twenty-five of this chapter, and no other exemption. If the property is receiving the STAR exemption and one or more other exemptions, the provisions of this section shall apply only to the extent that the property is receiving such other exemption or exemptions.

TITLE 1-A

ADMINISTRATIVE REVIEW OF ASSESSMENTS

- Section 522. Definitions.
523. Board of assessment review.
- 523-a. Temporary members of boards of assessment review; administrative hearing panels.
- 523-b. Assessment review commission.
524. Complaints with respect to assessments.
525. Hearing and determination of complaints and ratification of assessment stipulations.
526. Assessor's responsibilities.
527. Failure to meet for purpose of hearing complaints and ratifying stipulated assessments.
528. Application of title.

§ 522. Definitions. When used in this title:

1. "Approved assessing unit" shall mean an assessing unit certified by the commissioner, pursuant to section nineteen hundred two of this chapter, as having completed a revaluation which is in conformance with the commissioner's rules promulgated pursuant to section fifteen hundred seventy of this chapter.

2. "Assessed valuation" or "assessed value" means the determination made by assessors of the valuation of real property, including the valuation of exempt real property.

3. "Class designation" shall mean:

(a) in an assessing unit other than a special assessing unit, the determination, pursuant to section nineteen hundred three of this chapter, of whether real property is included in the homestead class; or

(b) in a special assessing unit, the determination, pursuant to section eighteen hundred two of this chapter, of whether real property is included in class one, two, three or four.

4. "Excessive assessment" or an assessment which is excessive shall mean and include:

(a) an entry on an assessment roll of the assessed valuation of real property which exceeds the full value of real property; or

(b) an entry on an assessment roll of the taxable assessed valuation of real property which is excessive because the real property failed to receive all or a portion of a partial exemption to which the real property or owner thereof is entitled pursuant to the law authorizing the partial exemption; or

(c) an entry on the assessment roll of an approved assessing unit of a transition assessment which is excessive because of a failure to comply with the provisions of section nineteen hundred four of this chapter; or

(d) an entry on the assessment roll of a special assessing unit of assessed valuation, an actual assessment or transition assessment for real property which is excessive because of a failure to comply with the limitations on increases in assessed value set forth in section eighteen hundred five of this chapter.

5. "Local government" shall mean, unless otherwise expressly stated or unless the context otherwise requires, a county, city or town with the power to assess real property for the purpose of taxation.

6. "Misclassification" or real property which is misclassified shall mean and include:

(a) an entry on an assessment roll of an incorrect class designation; or

(b) an entry on the assessment roll of an assessing unit other than a special assessing unit of a class designation which results in an incorrect allocation of a parcel's assessed valuation between homestead real property and the remainder of the parcel; or

(c) an entry on the assessment roll of a special assessing unit of a class designation which results in an incorrect allocation of a parcel's assessed valuation between two or more classes.

7. "Special assessing unit" shall mean an assessing unit with a population of one million or more.

8. "Taxable assessed valuation" or "taxable assessed value" means the assessed valuation of real property less partial exemptions.

9. "Unequal assessment" or an assessment which is unequal shall mean and include:

(a) an entry on the assessment roll of an assessing unit other than a special assessing unit of the assessed valuation of real property which is made at a higher proportionate valuation than the assessed valuation of other real property on the same roll by the same officers; or

(b) an entry on the assessment roll of a special assessing unit of the assessed valuation of real property which is made at a higher proportionate valuation than the assessed valuation of other real property in the same class on the same roll by the same officer; or

(c) an entry on an assessment roll of the assessed valuation of real property improved by a one, two or three family residence which is made at either a higher proportion of full value than the assessed valuation of other residential property on the same roll by the same officers or at a higher proportion of full value than the assessed valuation of all real property on the same roll by the same officers.

10. "Unlawful assessment" or an assessment which is unlawful shall mean and include:

(a) an entry on the taxable portion of the assessment roll of the assessed valuation of real property which, except for the provisions of section four hundred ninety of this chapter, is wholly exempt from taxation; or

(b) an entry on an assessment roll of the assessed valuation of real property which is entirely outside the boundaries of the assessing unit, the school district or the special district in which the real property is designated as being located; or

(c) an entry on an assessment roll of the assessed valuation of real property which cannot be identified from the assessment roll description or tax map land parcel number on the assessment roll; or

(d) an entry of assessed valuation of real property on an assessment roll which has been made by a person or body without the authority to make such entry; or

(e) an entry of assessed valuation of the special franchise on an assessment roll which exceeds the final assessment thereof as determined by the commissioner.

§ 523. Board of assessment review. 1. (a) In each local government there shall be a board of assessment review. In each village, except a village which has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, there may be a board of assessment review constituted pursuant to this section.

(b) The board of assessment review shall consist of not less than three nor more than five members appointed by the legislative body of the local government or village or as provided by subdivision five of section fifteen hundred thirty-seven of this chapter, if applicable. Members shall have a knowledge of property values in the local government or village. Neither the assessor nor any member of his or her staff may be appointed to the board of assessment review. A majority of such board shall consist of members who are not officers or employees of the local government or village.

(c) The terms of office of members of the board of assessment review shall be five years and shall commence on the first day of October and terminate on the thirtieth day of September, five years thereafter. In the case of the first board appointed under the provisions of this title, however, the terms shall be of such length that not more than one will expire in each of the first five years after the members of such board are appointed.

(d) Each member of a county, city or town board of assessment review shall attend the training required by subdivision two of this section. Individual members of a village board of assessment review, as constituted pursuant to this section, may attend the course of training offered by the commissioner but are not required to do so.

(e) The members of the board of assessment review shall annually choose one of their number to serve as chairman of such board. Within five days after a person is so designated, the board of assessment review shall notify the clerk of the local government of the designation.

(f) Within twenty days of when a person is appointed to the board of assessment review or designated chairman of such board, the clerk of the local government shall notify the commissioner and the county director of real property tax services of the appointment or designation.

(g) The legislative body of the local government or village may adopt a resolution providing that the members of the board of assessment review shall be paid for their respective services. Such resolution, if adopted, shall fix the amount of such compensation.

(h) The board of assessment review in Nassau county may appoint a secretary who shall perform such confidential duties and such other duties as are necessary to enable the board of assessment review to properly and efficiently carry out the provisions of this title. The compensation of such secretary shall be fixed by the legislative body of the local government.

2. Training. (a) Upon the initial appointment or reappointment of an individual to a board of assessment review, that appointee shall attend a training course as shall be prescribed by the commissioner. The commissioner shall prescribe an introductory training course for initial appointees and a supplementary training course available to all members of boards of assessment review. Neither training course shall extend beyond four hours in length. The introductory training course shall include, but shall not be limited to, the functions, duties and responsibilities of the board of assessment review, assessment review, assessment procedures, and exemption administration. The supplementary training course shall include but shall not be limited to real property tax legislation, judicial decisions, and administrative opinions.

(b) The commissioner may delegate to county directors of real property tax services the responsibility of locally administering and offering both the introductory and supplementary training courses as prescribed by the commissioner. In prescribing the supplementary training course, the commissioner, in consultation with the county director of real property tax services, may address the educational needs of each county in the course to be offered in such county. The commissioner shall prepare a certificate of attendance for each appointee or incumbent member who attends an introductory or supplementary training course, a copy of which must be filed with the clerk of the local government. The commissioner may delegate to the county director of real property tax services the responsibility to prepare and file the certificates of attendance.

(c) In the event that an appointee shall have been unable to attend

the course of training for reasons beyond his control, as may be attested to by the county director, the commissioner may issue a notice of extension enabling the appointee to attend such course at the earliest date when such course is next available as specified by the commissioner. The commissioner shall notify each such appointee of the notice of extension and the commissioner shall also file a copy of such notice with the county director of real property tax services and with the clerk of the appointing local government. In determining whether a quorum is present at a meeting of a board of assessment review, members of such board who have not attended the course of training and for whom the certificate of attendance has not been filed as required herein, or for whom a notice of extension has not been issued and filed as provided herein, shall not be counted and may not participate in the hearing and determination of complaints. Where a quorum of the board is not present at any meeting by reason of the provisions of this subdivision, complaints shall be filed and heard and assessments determined in accordance with the provisions of section five hundred twenty-seven of this title.

(d) For the purpose of this subdivision, the term "appointee" shall include any individual appointed or reappointed to the board of assessment review.

3. Members appointed to the board of assessment review shall be required to disclose on a form prescribed by the commissioner any direct or indirect interest they have in any property for which a complaint has been filed. Such disclosure shall be filed with the chief executive officer of the taxing district for which they serve, on or before the date when the board submits the statement of assessment changes pursuant to subdivision three of section five hundred twenty-five of this title. In the situation where there is a direct or indirect interest, a municipality may enter into an inter-municipal agreement with another municipality in the county to permit hearing of the complaint in the other municipality. Any member of a board who knowingly and intentionally fails to disclose such interest shall be subject to a civil fine of one thousand dollars for each such omission with respect to property for which a complaint has been filed. The chief executive officer of the assessing unit may recover in the name of such assessing

unit in a civil action commenced in any court of competent jurisdiction such civil penalty in addition to any actual damages incurred by the assessing unit. Any recovery shall be deposited to the general fund of the assessing unit. For purposes of this subdivision, a member of a board of assessment review shall be deemed to have a direct or indirect interest in any property for which a complaint has been filed when the member, spouse, or any of his or her minor children:

(a) is the owner of such property; or

(b) is an officer, director, partner or employee of an entity which is an owner or lessee of such property; or

(c) is an officer, director, partner or associate of a law firm or real estate firm which has a financial interest with the owner or lessee of such property; or

(d) legally or beneficially owns or controls stock of a corporation which is an owner or lessee of such property, provided, however, ownership of stock shall not constitute an interest where such stock is listed on a major stock exchange or is sold on the over the counter market and the value thereof is less than ten thousand dollars.

§ 523-a. Temporary members of boards of assessment review; administrative hearing panels. 1. The legislative body of any local government or village may, in any year it deems necessary, appoint temporary members to the board of assessment review to serve on administrative hearing panels as provided in this section.

2. The number of temporary members which may be appointed pursuant to this section in any year shall not exceed two times the number of members appointed to such board pursuant to section five hundred twenty-three of this title and which served on such board for hearing complaints in the previous year. Such temporary members shall be appointed to one-year terms of office and shall be subject to the same qualifications, training and disclosure requirements as members of the board of assessment review, as provided in subdivisions one, one-a and two of section five hundred twenty-three of this title and any other applicable law; provided, however, such temporary members shall not hear complaints unless such appointee has received a certificate of

attendance for the required training course within twelve months of the date on which complaints are to be heard.

3. The chairman of the board of assessment review shall assign panels to hear complaints in relation to assessments consisting of at least one member appointed pursuant to section five hundred twenty-three of this title and no more than two temporary members appointed pursuant to this section. Such panels shall have the same powers and duties as those of the board of assessment review pursuant to section five hundred twenty-five of this title except that they shall not determine the final assessment of the real property of each complainant, but shall make a recommendation with respect thereto to the board of assessment review.

4. The assessor or a member of his or her staff shall attend all hearings of the administrative hearing panels, shall have the right to be heard on any complaint and, upon request, shall have the right to have his or her remarks with respect to any complaint recorded in the minutes of the panel.

5. Not later than twenty days prior to the last date provided by law for the completion and filing of the final assessment roll, each administrative hearing panel shall submit a recommendation with respect to each complaint heard by it to the chairman of the board of assessment review. The board of assessment review shall forthwith consider the recommendations of each panel. If a majority of the members of the board of assessment review disagree with one or more recommendations, it shall schedule hearings thereon for a day no later than five days prior to the date set by law for the completion and filing of the final assessment roll and shall notify the assessor and the complainant of the time and place of the hearings. Following this hearing, the board of assessment review shall determine the final assessment of the complainant's property. In all other cases, the recommendation of the administrative hearing panel shall be adopted by the board of assessment review as its determination of the final assessment.

6. The legislative body of the local government or village may adopt a resolution providing that the temporary members of the board of

assessment review appointed pursuant to this section shall be paid for their respective services. Such resolution, if adopted, shall fix the amount of such compensation.

§ 523-b. Assessment review commission. 1. The county of Nassau acting through its local legislative body is hereby authorized and empowered to adopt the following as an alternative to section five hundred twenty-three of this title.

2. (a) There shall be an assessment review commission to consist of nine commissioners who shall be appointed by the county executive subject to approval of the legislature, for a term of five years except as specified in paragraph (c) of this subdivision. One commissioner shall be designated chairman and shall serve for a term of three years. Each commissioner shall have at least five years business experience in the field of real estate or real estate law or experience in a public agency or municipal department and shall attend such training courses as shall be prescribed by the commissioner pursuant to section five hundred twenty-three of this title. No more than six commissioners shall at any one time be enrolled voters of the same political party.

(b) The members of the board of assessment review serving immediately prior to the creation of the assessment review commission shall be appointed to initial terms as commissioners of the assessment review commission.

(c) The terms of the nine commissioners first appointed pursuant to this section shall be two members for one year, two members for two years, two members for three years, two members for four years, and one member for five years.

(d) The assessment review commission shall be charged with the duty of reviewing and correcting all assessments of real property made pursuant to the provisions of title one of this article.

(e) The compensation for the commissioners of the assessment review commission shall be determined and fixed by resolution of the local legislative body.

3. (a) Every commissioner shall exercise such other powers and duties

as the chairman may from time to time assign to such commissioner. The chairman may, at his or her discretion, permit individual commissioners to hear and determine complaints filed in accordance with this section.

(b) Such commission shall recommend to the local legislative body any necessary regulations of the commission, the rules of procedure of the commission and rules for conduct of the commission not inconsistent with the provisions of this chapter. The local legislative body shall adopt any such rules and regulations as it deems necessary.

(c) The commission shall have the power, within the limits of the appropriation made by the local governing body, to employ or contract with such appraisers and other employees as may be necessary in the performance of the duties of the commission. However, any contract which exceeds a term of one year or is for an amount in excess of twenty-five thousand dollars shall be subject to such approval as the local legislative body shall deem to be necessary. Similarly, no person, firm or entity shall be awarded any contracts the aggregate amount of expenditures under which exceeds one hundred thousand dollars over any one year period without such prior approval.

(d) Commissioners and others appointed to the assessment review commission shall be required to disclose on a form prescribed by the commissioner any direct or indirect interest in a property for which a complaint has been filed. Such disclosure shall be filed with the chairman of the board of assessors of the taxing district for which they serve, on or before the date when the commission submits the statement of assessment changes pursuant to subdivision three of section five hundred twenty-five of this title. Any member of a commission who knowingly and intentionally fails to disclose such interest shall be subject to a civil fine of two hundred fifty dollars for each such omission with respect to property for which a complaint has been filed. The chairman of the board of assessors of the assessing unit may recover in the name of such assessing unit in a civil action commenced in any court of competent jurisdiction such civil penalty in addition to any actual damages incurred by the assessing unit. Any recovery shall be deposited to the general fund of the assessing unit. For purposes of this subdivision, a member of the assessment review commission shall be deemed to have a direct or indirect interest in any property for which a complaint has been filed when the member, spouse, or any of his or her

minor children:

- (i) is the owner of such property; or
- (ii) is an officer, director, partner or employee of an entity which is an owner or lessee of such property; or
- (iii) is an officer, director, partner or associate of a law firm or real estate firm which has a financial interest with the owner or lessee of such property; or
- (iv) legally or beneficially owns or controls stock of a corporation which is an owner or lessee of such property, provided, however, ownership of stock shall not constitute an interest where such stock is listed on a major stock exchange or is sold on the over the counter market and the value thereof is less than ten thousand dollars.

4. The assessment review commission may appoint a secretary who shall perform such confidential duties and such other duties as are necessary to enable the assessment review commission to properly and efficiently carry out the provisions of this title. All appraisal support personnel shall have a minimum of three years of professional appraisal experience. The compensation of the secretary and such appraisal support personnel shall be fixed by the local legislative body.

5. The chairman, a commissioner or their representatives may, when accompanied by the petitioner, enter upon real property and into buildings and structures upon notice by certified or registered mail to the petitioner, after the filing of the complaint in accordance with this section, to ascertain the character of the property. The chairman or commissioner may designate persons to act on the commission's behalf for the purposes of this subdivision. The willful failure, neglect or refusal by the person whose real property is assessed, or his or her agent or representative, to permit such entry upon real property and into buildings and structures may, in the discretion of the commission, result in the denial of the complaint filed with the commission thereby denying administrative review and relief.

6. Application for correction of assessment for taxation. (a) During the period from January second through March first, any person or corporation claiming to be aggrieved by the assessment of real estate

may apply for correction of such assessment. Such application shall be duly verified by a person having personal knowledge of the facts stated therein, provided that if the application is signed by someone other than the person or an officer of the corporation claiming to be aggrieved, the application must be accompanied by a duly executed power of attorney or authorization or as otherwise prescribed by the rules and regulations of the commission.

(b) The grounds for reviewing an assessment shall be as prescribed in subdivision two of section five hundred twenty-four of this title.

(c) The application with respect to an assessment shall be on state approved forms prescribed by the commission, and shall contain an estimate of the value of the property, a statement specifying the grounds for review, and the reduction in assessed valuation or taxable assessed valuation or change in class designation or allocation of assessed valuation sought. Any form prescribed by the commission shall be available not less than ninety days prior to the publication of the tentative assessment roll. The commission shall allow the correction of errors and omissions in otherwise duly completed applications, including applications made on state prescribed or approved forms other than the forms currently prescribed by the commission.

(d) The filing of a completed application in the manner and form adopted shall be a prerequisite to the review by the commission and to the review of a final determination of the commission as provided in this section. Where an application is determined to be defective, the commission shall notify the applicant of such defect or defects, and provide him or her with the opportunity to cure such defect or defects within thirty-five days from the date of the mailing of the notice. If the defects are not cured after the expiration of such thirty-five day period, the defective application shall be dismissed by the commission thereby denying administrative review and relief.

(e) For income producing real property, when an application is submitted by an applicant for correction of assessment for taxation, all income received or accrued and all expenses paid or incurred in the real estate operation of the property, shall be submitted and filed as prescribed by the rules of the commission. Such statements with respect to income received or accrued and expenses paid or incurred shall be provided as a condition precedent to a review of the application. If no

such statement is provided with the application, the commission shall not grant a hearing or make an adjustment to the assessment for any years under review otherwise than in accordance with the provisions of this article. The failure to provide such statements may in the discretion of the commission result in a dismissal of the application thereby denying administrative review and relief.

(f) The commission may provide for electronic filing of applications. An application shall be timely filed if on or before the date specified in paragraph (a) of this subdivision it is delivered or mailed to the office of the commission or transmitted by electronic means adopted by the commission.

(g) For purposes of this section, the "applicant" shall be the owner or other person aggrieved by the assessment. Whenever the commission is to provide a notice to the applicant it shall provide such notice to the attorney for the applicant if the applicant is represented by counsel or, if not so represented, then to the applicant or an agent designated in the application. The commission may, with the consent of the applicant or the applicant's attorney or agent, transmit notices and accept responses to notices by electronic means, in which event references in this section to mailing of notices or receiving responses to notices shall be deemed to include transmission by such electronic means.

(h) For purposes of this section, any application, notice or response made by mail shall be deemed made when mailed, as evidenced by the postmark, and any application, notice or response made by electronic means adopted by the commission shall be deemed made when transmitted. The term "mail" shall include delivery by a designated delivery service, as defined in this paragraph, and the term "postmark" shall include any date recorded or marked by such service in the manner described in section seventy-five hundred two of the internal revenue code. The term "designated delivery service" shall mean a delivery service designated by the secretary of the treasury of the United States pursuant to section seventy-five hundred two of the internal revenue code, subject to any withdrawals and additions made pursuant to subparagraph (A) of paragraph two of subsection (a) of section six hundred ninety-one of the tax law.

7. (a) The commission shall meet throughout the year and may reasonably compel the attendance of witnesses, administer oaths or affirmations and examine applicants and other witnesses under oath. If the person whose real property is assessed, or his or her agent or representative, shall willfully neglect or refuse to attend and be so examined, or to answer any question put to him or her relevant to the application or assessment, such person shall not be entitled to any reduction of the assessment subject to the application. Minutes of the examination of every person examined upon the hearing of any application for correction shall be taken and filed with the commission. The authorized representative of the board of assessors shall have the right to be heard on any application for correction and his or her remarks with respect to any application for correction shall be recorded in the minutes of the commission. All oral and written testimony taken by the commission, by a commissioner, or by an employee of the commission authorized to take testimony on applications shall constitute part of the record of the proceedings upon an assessment. The commission may act on applications and make determinations on assessments as a body or through a commissioner or hearing officer authorized by the commission. As used in this section, "commission" shall mean, as appropriate, the assessment review commission or a commissioner or hearing officer authorized by the assessment review commission to act pursuant to this section.

(b) The commission shall determine the final assessed valuation or taxable assessed valuation, or the actual assessment or transition assessment, or the proper class designation of the real property of each applicant. The final assessed valuation or taxable assessed valuation of real property may be the same as or less than the original assessment or, if determined to be unlawful, the same shall be ordered stricken from the roll or where appropriate entered on the exempt portion of the roll. If it is determined that the real property is misclassified, the correct class designation or allocation of assessed valuation shall be entered on the roll by the board of assessors.

* 8. The final determination of the commission upon applications for the correction of an assessment already heard shall be rendered not later than the tenth day of March in the year following the year in which the tentative assessment roll is published, or such later date as

may be permitted by the board of assessors, in order that the final assessment roll may be prepared for publication on the first business day in April; provided, however, that the commission may continue to take testimony and render determinations on applications subsequent to March tenth. The board of assessors, upon receipt of such determination, shall correct its assessment rolls. The receiver of taxes of any town in which the property is situated shall issue corrected tax bills in accordance with such determination within thirty days after entry of a final determination by the commission.

* NB Effective until June 30, 2028

* 8. The final determination of the commission upon applications for the correction of an assessment already heard shall be rendered not later than the tenth day of March in the year in which the tentative assessment roll is published, or such later date as may be permitted by the board of assessors, in order that the final assessment roll may be prepared for publication on the first business day in April; provided, however, that the commission may continue to take testimony and render determinations on applications subsequent to March tenth. The board of assessors, upon receipt of such determination, shall correct its assessment rolls. The receiver of taxes of any town in which the property is situated shall issue corrected tax bills in accordance with such determination within thirty days after entry of a final determination by the commission.

* NB Effective June 30, 2028

9. Pursuant to subdivision eight of this section, the commission may determine the issues relating to the grievance and resolve the current and the immediately previous two tax years' outstanding assessments challenges in accordance with this article and may enter into stipulations and, where necessary, judgments with notice of entry in settlement of such challenges. If the tax shall have been paid, the county treasurer is authorized to refund any excess tax paid, with interest thereon. A determination of the commission shall have the same effect as an order of a court of competent jurisdiction for purposes of any act authorizing the issuance of debt instruments for the financing of tax refunds.

10. On or before April first, each year the commission shall mail to each applicant, who has filed an application for the correction of the assessment, a notice of the commission's determination of such applicant's assessment. Such notice shall also contain the statement as to the final determination of the assessment review commission, or a statement that the commission has not yet made a determination as to the final assessed valuation which shall be made as soon as the petitioners application is reviewed or heard. If the applicants property is a property defined in subdivision one of section eighteen hundred two of this chapter as "Class 1", the commissions determination shall contain the statement: "If you are dissatisfied with the determination of the Assessment Review Commission and you are the owner of a one, two or three family residential structure or residential real property not more than three stories in height held in condominium form of ownership, provided that no dwelling unit therein previously was on an assessment roll as a dwelling unit in other than condominium form of ownership, and you reside at such residence, you may seek judicial review of your assessment either under title one of article seven of the real property tax law or under small claims assessment review law provided by title one-A of article seven of the real property tax law." Such notice shall also state that the last date to file petitions for judicial review and the location where small claims assessment review petitions may be obtained.

Each applicant that has filed an application of a property as defined in subdivision one of section eighteen hundred two of this chapter as "Class 2", "Class 3" or "Class 4", shall receive a notice as to the final determination of the assessment review commission or a statement that the commission has not yet made a determination as to the final assessed valuation which shall be made as soon as the petitioners application is reviewed or heard. Such applicants determinations shall contain the statement: "If you are dissatisfied with the determination of the Assessment Review Commission you may seek judicial review of your assessment under title one of article seven of the real property tax law." Such notice shall also state the last date to file petitions for judicial review. A final determination when rendered shall contain the same statement. Failure to mail any such notice or failure of the

applicant to receive the same shall not affect the validity of the assessment.

11. A proceeding to review or correct on the merits any final determination of the assessment review commission may be had as provided by law, and if brought to review a determination mentioned in subdivision seven of this section must be commenced on or before the last business day of April after final completion and filing of the assessment roll containing such assessment, as provided in appropriate provisions of this chapter or within thirty days after notice of a final determination has been made and sent to the applicant.

12. If any part or provision of this section or the application thereof to any person, entity or circumstance shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to that part, provision or application of this section directly involved in the controversy for which such judgment was rendered and shall not be deemed to affect or impair the validity of the remainder of this section to the application thereof to other persons, entities or circumstances.

§ 524. Complaints with respect to assessments. 1. Complaints with respect to assessments may be filed with the assessor at any time prior to the hearing of the board of assessment review or with the board of assessment review at such hearing, but may not be filed with the board of assessment review at any adjourned hearing it may conduct. Where a complaint is filed within three business days preceding such hearing, the board of assessment review shall grant an assessor's request for an adjournment to permit the assessor to prepare a response to the complaint. Any complaint filed on or before the date established by law for the hearing of the board of assessment review shall be deemed timely.

2. The grounds for review of an assessment shall be that the assessment complained of is excessive, unequal or unlawful, or that real property is misclassified.

3. Notwithstanding the provisions of section five hundred twenty-eight of this title, and except in cities with a population of five million or more, a complaint with respect to an assessment shall be on a form prescribed by the commissioner and shall consist of a statement specifying the respect in which the assessment is excessive, unequal or unlawful, or the respect in which real property is misclassified, and the reduction in assessed valuation or taxable assessed valuation or change in class designation or allocation of assessed valuation sought. Such statement shall also contain an estimate of the value of the real property. Such statement must be made by the person whose property is assessed, or by some person authorized in writing by the complainant or his officer or agent to make such statement who has knowledge of the facts stated therein. Such written authorization must be made a part of such statement and bear a date within the same calendar year during which the complaint is filed. Such statement shall also contain the following sentence: "I certify that all statements made on this application are true and correct to the best of my knowledge and belief and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relevant to the making and filing of false instruments". Such statement shall also include a statement, which, if signed by both the assessor and the complainant or his or her authorized representative shall constitute a stipulation to the assessed value to be applied to the subject parcel. Where such stipulated assessed value is entered on the final assessment roll, no review of the assessment shall be allowed pursuant to article seven of this chapter.

4. In the case of real property assessed in accordance with subdivision one of section three hundred thirty-nine-y of the real property law, the board of managers acting as agent of one or more unit owners pursuant to subdivision four of such section may file a single complaint on behalf of all such unit owners.

§ 525. Hearing and determination of complaints and ratification of assessment stipulations. 1. The board of assessment review shall fix the

place or places for the hearing of complaints in relation to assessments and fix the hours of such hearing, which hours shall be for a period of at least four hours, not necessarily continuous between nine o'clock in the morning and ten o'clock in the evening but in no event less than two hours after six o'clock in the evening.

2. (a) On the date required by law, the board of assessment review shall meet to hear complaints in relation to assessments. At such hearing, the board of assessment review may administer oaths, take testimony and hear proofs in regard to any complaint and the assessment to which it relates. If not satisfied that such assessment is excessive, unequal or unlawful, or that real property is misclassified, the board may require the person whose real property is assessed, or his or her agent or representative, or any other person, to appear before the board and be examined concerning such complaint, and to produce any papers relating to such assessment. If the person whose real property is assessed, or his or her agent or representative, shall willfully neglect or refuse to attend and be so examined, or to answer any question put to him or her relevant to the complaint or assessment, such person shall not be entitled to any reduction of the assessment subject to the complaint. Minutes of the examination of every person examined upon the hearing of any complaint shall be taken and filed in the office of the city or town clerk. The assessor shall have the right to be heard on any complaint and upon his or her request his or her remarks with respect to any complaint shall be recorded in the minutes of the board; provided, however, that when an assessor is employed by more than one assessing unit, such assessor may designate a member or members of his or her staff to act on behalf of such assessor before any board or boards of assessment review. Every member of an assessor's staff, who is designated to act on behalf of such assessor before a board of assessment review, shall have all powers and authority of the assessor who designated him or her. Such remarks may be made only in open and public session of the board of assessment review.

(b) The chairman of the board of assessment review shall, prior to adjourning the hearing, designate the dates on which the board of assessment review shall convene to review petitions filed in accordance with section five hundred fifty-three of this article for the correction

of final assessment rolls.

3. (a) The board of assessment review shall thereafter determine the final assessed valuation or taxable assessed valuation, or the actual assessment or transition assessment, or the proper class designation of the real property of each complainant and shall ratify assessment stipulations entered into by the assessor and the complainant. When a complainant specifies that the assessment is unequal and the property is improved by a one, two or three family residence, in addition to other evidence presented, the board of assessment review shall consider the residential assessment ratio determined pursuant to section seven hundred thirty-eight of this chapter.

(b) The final assessed valuation or taxable assessed valuation of real property may be the same as or less than the original assessment. If the real property is partially exempt from taxation, and its total assessed value is reduced by the board of assessment review, but the verified statement prepared by such board does not specify how much of the total assessed value, as so reduced, is exempt from taxation, the exemption shall be reduced so as to preserve the ratio of taxable assessed value to total assessed value that existed on the tentative assessment roll.

(c) If the assessment is determined to be unlawful, it shall be ordered stricken from the roll or where appropriate entered on the exempt portion of the roll. If it is determined that real property is misclassified, the correct class designation or allocation of assessed valuation shall be ordered entered on the roll.

4. The members of the board of assessment review or a majority of them shall prepare and verify a statement showing the changes determined to be made by them in the assessments. Such verified statement shall also include the assessment stipulations entered into by the assessor and the complainant and as ratified by the board of assessment review. Such verified statement shall be delivered to the assessor on or before the date required by law for the final completion of the assessment roll or in the event the law applicable to the local government fixes an earlier date subsequent to which changes in assessments may not be made, on or before such date.

On or before the date the verified statement of changes made by the board of assessment review is delivered to the assessor, the board of assessment review shall mail to each complainant a notice of the board's determination of his or her assessment, but no notice of the board's ratification of a stipulated assessment shall be required. Such notice shall contain a statement of the reasons for such determination. Such notice shall also contain the statement "If you are dissatisfied with the determination of the board of assessment review, you may seek judicial review of your assessment pursuant to article seven of the real property tax law. If you are the owner of a one, two or three family residential structure and reside at such residence, or, if you are the owner of unimproved property which is not of sufficient size as determined by your assessing unit to contain a one, two or three family residential structure, you may seek small claims assessment review pursuant to title one-A of article seven of the real property tax law". Such notice shall also state the last date to file petitions for judicial review and the location where small claims assessment review petitions may be obtained. Failure to mail any such notice or failure of the complainant to receive the same shall not affect the validity of the assessment.

§ 526. Assessor's responsibilities. 1. The notice of completion of the tentative assessment roll, published pursuant to section five hundred six of this chapter, shall state that the assessors have completed the tentative assessment roll, that a copy thereof has been left with one of their number or the town clerk, as the case may be, at a specified place where it may be seen and examined by any person until the day specified by law for the hearing of complaints in relation to assessments, and that on such day the board of assessment review will meet to hear complaints in relation to assessments at a specified time and place for a period of at least four hours, not necessarily continuous, between nine o'clock in the morning and ten o'clock in the evening but in no event less than two hours after six o'clock in the evening. In addition, such notice shall set forth (1) a statement that the assessor will be in attendance with such tentative assessment roll at a specified place during a specified period of at least four hours not necessarily

continuous, between nine o'clock in the morning and ten o'clock in the evening on at least four specified days after the first publication of such notice and before the day the board of assessment review is required to meet to hear complaints and (2) the date on which as required by law the board of assessment review will meet to hear complaints in relation to assessments of real property, the place of such meeting and the hours of such meeting as fixed by the board of assessment review and (3) a statement that a publication containing procedures for contesting an assessment is available at the assessor's office.

2. The tentative assessment roll shall be available for public inspection from the date the tentative roll is completed and filed until and including the day or days the board of assessment review meets to hear complaints. The assessor or his or her designee is required to be in attendance with such roll at a specified place during a period of at least four hours not necessarily continuous between nine o'clock in the morning and ten o'clock in the evening on at least four days during the public inspection period prior to the day such board is required to meet to hear complaints; provided that at least two such days shall be at least ten days subsequent to the filing of the tentative assessment roll, of which one day shall be a Saturday. On at least one of the four days the hours of attendance by the assessor or his or her designee shall include not less than two hours after six o'clock in the evening. Such number of days may be increased to more than four by local law.

3. On or before the day that the board of assessment review meets to hear complaints in relation to assessments, the assessor shall transmit to such board all complaints filed with and assessment stipulations entered into by him or her pursuant to section five hundred twenty-four of this title.

4. The assessor shall attend all hearings of the board of assessment review; provided, however, that when an assessor is employed by more than one assessing unit, such assessor may designate a member or members of his or her staff to attend, appear and act on behalf of such assessor before any board of assessment review. Every member of an assessor's

staff, who is designated to act on behalf of such assessor before a board of assessment review, shall have all powers and authority of the assessor who designated him or her.

5. As soon as possible after receiving the verified statement prepared by the board of assessment review pursuant to subdivision four of section five hundred twenty-five of this title, the assessor shall make the changes in assessments on the assessment roll in accordance with such verified statement, shall certify on such verified statement that he has recorded on the assessment roll the changes set forth in such verified statement and shall file such verified statement with the final assessment roll filed pursuant to section five hundred sixteen of this article.

§ 527. Failure to meet for purpose of hearing complaints and ratifying stipulated assessments. 1. If the board of assessment review of any assessing unit fails to meet for the purpose of hearing complaints or stipulations in relation to assessments on the day specified by law, the county treasurer, the chairman of the county legislative body and the clerk of the county legislative body shall serve as an acting board of assessment review which shall hear and determine complaints and ratify stipulations in relation to assessments as provided in this section.

2. Immediately following the failure of the board of assessment review to meet to hear complaints or stipulations in relation to assessments on the day specified by law, the assessor shall so notify the county director of real property tax services. At such time the assessor shall also transmit to the county director all complaints or stipulations filed pursuant to subdivision one of section five hundred twenty-four of this title in his or her possession.

3. Upon receiving notice pursuant to subdivision two of this section, the county director of real property tax services shall cause the acting board of assessment review to establish a time, date and place for such acting board to meet to hear complaints or ratify stipulations in relation to assessments. Such hearing shall be scheduled on a date no

earlier than fifteen days after the date specified by law on which the board of assessment should have heard complaints in relation to assessments and no later than ten days prior to the last date provided by law for the completion and filing of the final assessment roll. The hearing shall be scheduled for a period of at least four hours, not necessarily continuous, between nine o'clock in the morning and ten o'clock in the evening, with at least two hours after six o'clock in the evening. To the extent practicable, the hearing shall be held in the assessing unit for which the acting board of assessment review serves.

4. Not later than seven days prior to the date on which the hearing of the acting board of assessment review is scheduled, the county director of real property tax services shall send by first class mail to each person who filed a complaint referred to in subdivision two of this section and publish in a newspaper having general circulation in the assessing unit a notice indicating the time, date and place that the acting board of assessment review shall meet to hear complaints in relation to assessments. No such notice shall be required where the assessor and the person who filed such complaint have entered into a stipulation of assessment as provided in section five hundred twenty-four of this title.

5. Complaints and stipulations with respect to assessments which conform to the requirements of subdivisions two, three and four of section five hundred twenty-four of this title may be filed with the assessor or county director of real property tax services at any time prior to the meeting of the acting board of assessment review to hear complaints in relation to assessments or with such acting board at such hearing or at any adjourned hearing. On or before the date of such hearing, the assessor and the county director shall deliver to such acting board all complaints in their possession.

6. At the time, date and place established pursuant to subdivision three of this section and so many days thereafter as the acting board of assessment review deems necessary, such acting board shall meet to hear the complaints and stipulations in relation to assessments referred to in subdivision two of this section or filed pursuant to subdivision five

of this section. At such hearing or adjourned hearing, the acting board of assessment review shall exercise and perform all of the powers and duties conferred upon the boards of assessment review by subdivision two of section five hundred twenty-five of this title. The assessor shall attend all such hearings or adjourned hearings of the acting board of assessment review.

7. The acting board of assessment review shall thereafter determine each complaint by exercising and performing all of the powers and duties conferred upon boards of assessment review by subdivisions three and four of section five hundred twenty-five of this title. The county director shall provide administrative support in preparing the statement and notices required by such subdivisions and the assessor shall make the changes ordered by such acting board as provided in subdivision five of section five hundred twenty-six of this title.

8. Expenses incurred by a county pursuant to this section in providing administrative support to an acting board of assessment review including, but not limited to the cost of preparing, mailing and publishing any notices, statements or minutes required by this section or section five hundred twenty-five of this title shall be charged to the assessing unit, provided, however, that nothing in this section shall prevent the assessing unit from providing administrative support to the acting board of assessment review under the county director's supervision and from incurring such expenses in the first instance.

§ 528. Application of title. 1. No "charter law," as such term is defined in section thirty-two of the municipal home rule law, nor local law shall be adopted which is inconsistent with the provisions of this title.

2. Provisions of all general, special, local or other laws which are inconsistent with the provisions of this title shall be inapplicable to municipal corporations to which this title applies but if not inconsistent shall apply to such municipal corporation.

3. This title shall apply to all counties except counties wholly within a city and all cities and towns in the state except (1) a city with a population of five million or more and (2) a city or town in a county having the power to assess property for purposes of taxation.

TITLE 2

ASSESSMENT AND TAXATION OF CERTAIN STATE LANDS

- Section 530. Construction of terms.
532. Certain state lands subject to taxation for all purposes.
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§ 530. Construction of terms. As used in this title:

1. "Taxes" and "taxation" shall include special ad valorem levies.
2. "Lands" and "state lands" shall, include conservation easements created pursuant to title three of article forty-nine of the

environmental conservation law within the Adirondack or Catskill parks, as those areas are defined in such law and common law easements on land within the Adirondack or Catskill parks created for conservation purposes and such easements on lands within the watershed of Hemlock and Canadice lakes in the towns of Livonia, Conesus, West Sparta and Springwater in Livingston county, the towns of Canadice and Richmond in Ontario county and the town of Wayland in Steuben county. "Lands" and "state lands" shall in no event include lands used by the state for highway or parkway purposes or lands acquired for such purposes though not in actual use therefor if construction of a highway or parkway thereon is in good faith contemplated.

3. Notwithstanding any other provision of law, for purposes of paragraph j of section five hundred thirty-two of this title, the term "taxation" shall be construed to include special assessments.

§ 532. Certain state lands subject to taxation for all purposes. The following state lands shall be subject to taxation for all purposes:

(a) All wild or forest lands owned by the state within the forest preserve;

(b) All wild or forest lands owned by the state in the towns of Altona and Dannemora, Clinton county, except the lands in the town of Dannemora upon which buildings and inclosures are erected and maintained by the state for the use of state institutions;

(c) All state lands located within the boundaries of the Allegany state park in the county of Cattaraugus, exclusive of the improvements thereon;

(d) All lands in the counties of Rockland and Putnam acquired for a public use by the state, exclusive of the improvements erected thereon by the state;

(e) All lands in the counties of Rockland and Sullivan and in the towns of Blooming Grove, Chester, Monroe, Warwick, Cornwall, Highlands, Tuxedo and Woodbury, Orange county, and in the towns of Gardiner, Rochester, Shawangunk and Wawarsing, Ulster county, acquired for a public use by the commissioners of the Palisades Interstate park, exclusive of the improvements erected thereon by the state;

(f) All lands acquired or leased by the state pursuant to chapter one hundred forty-eight of the laws of eighteen hundred seventy-eight for the construction and management of a railroad from Lake Champlain to Clinton prison;

(g) All lands owned by the state, including lands leased from the United States for a term of fifty years or more, for use by the conservation department as a fish hatchery, game farm, game management area, game refuge or for reforestation purposes, exclusive of the improvements erected thereon by the state, in the following towns:

County	Town
Chenango	Otselic
	Pharsalia
	Sherburne
Jefferson	Antwerp
	Brownville
	Lorraine
	Worth
Lewis	Montague
Livingston	Conesus
	Livonia
	Springwater
	West Sparta
	Canadice
Ontario	Richmond
	Redfield
Oswego	Morris
Otsego	Pittsfield
	Berlin
	Stephentown
Steuben	Wayland
Washington	Argyle
	Ft. Edward
	Kingsbury
Yates	Italy

Except, however, for the towns of Conesus, Canadice and Richmond the provisions of this subdivision shall only apply to lands acquired by the

state on or after December fifteenth, nineteen hundred eighty-nine.

(h) All lands owned by the state, in the Bashakill wetland properties located in the town of Mamakating in Sullivan county.

(i) All lands owned by the state in the Neversink Gorge areas in the Sullivan County towns of Forestburgh, Thompson, and Mamakating.

(j) All lands owned by the state pursuant to subdivision two of section two hundred eight of the racing, pari-mutuel wagering and breeding law located within the counties of Nassau, Queens and Saratoga, inclusive of the improvements erected thereon.

(k) Land owned by the state situate in the towns of McDonough and Preston in the county of Chenango, constituting a portion of Bowman Lake State Park, the title to which was vested in the state on February twenty-first, two thousand seventeen, exclusive of the improvements erected thereon.

(l) lands owned by the state and acquired pursuant to the provisions of title twenty-one of article fifteen of the environmental conservation law exclusive of the improvements erected thereon erected by the regulating districts.

§ 533. Certain conservation easements created pursuant to title three of article forty-nine of the environmental conservation law hereafter acquired by the state within the Adirondack or Catskill parks, as those areas are defined in such law and lands within the watershed of Hemlock and Canadice lakes in the towns of Livonia, Conesus, West Sparta and Springwater in Livingston county, the towns of Canadice and Richmond in Ontario county and the town of Wayland in Steuben county, and lands within the Tug Hill region, as defined in article thirty-seven of the executive law, shall be subject to taxation for all purposes. Any conservation easement created pursuant to title three of article forty-nine of the environmental conservation law hereafter acquired by the state within the Adirondack or Catskill parks, as those areas are defined in such law or acquired by the state on lands within the watershed of Hemlock and Canadice lakes in the towns of Livonia, Conesus, West Sparta and Springwater in Livingston county, the towns of Canadice and Richmond in Ontario county and the town of Wayland in Steuben county, or acquired by the state on lands within the Tug Hill

region as defined in article thirty-seven of the executive law, shall be subject to taxation for all purposes. Any common law easement acquired on or before January first, nineteen hundred ninety by the state for conservation purposes within the Adirondack or Catskill parks, as those areas are defined in the environmental conservation law, shall be subject to taxation for all purposes. The value of such interests shall be equivalent to the change, if any, in the value of the lands subject to the easement. The procedures set forth in sections five hundred forty, five hundred forty-two, five hundred forty-three and five hundred forty-four of this title shall govern the assessment and payment of taxes thereon. If the acquisition by or conveyance to the state of any such easement is determined to be void by any court of competent jurisdiction, tax payments on such easement paid by the state prior to the date of such determination shall be retained by the recipient and shall be deemed to have been a grant-in-aid by the state.

§ 534. Certain state lands subject to taxation for all purposes except county purposes. 1. Lands owned by the state acquired for reforestation purposes pursuant to section 9-0501 of the environmental conservation law shall be subject to taxation for all purposes except county purposes.

2. Such lands shall be valued as if privately owned and assessed in accordance with subdivision one of section five hundred forty-two of this article.

3. Lands not otherwise subject to taxation and owned by the state acquired for reforestation or multiple use purposes with monies from the park and recreation land acquisition bond act of 1960 where the total acreage of such property or properties in any assessing unit exceeds three thousand acres and comprises at least nine and one-half percent of the acreage of such assessing unit shall be subject to taxation for all except county purposes.

a. State lands subject to taxation pursuant to the provisions of this subdivision shall be valued as if privately owned and shall be assessed

in accordance with subdivision one of section five hundred forty-two of this article.

b. The commissioner shall annually transmit to the assessors of each assessing unit containing such state lands subject to taxation, and to town or county assessors who prepare a copy of the applicable part of the town or county assessment roll for village tax purposes as provided in subdivision three of section fourteen hundred two of this chapter, for each such village containing such state lands subject to taxation an assessment form containing a list of all such lands therein. In the transmittal of such form, the board shall notify the assessor of the date as of which the state lands are to be valued. Such date shall conform to the date which is the basis of the state equalization rate established pursuant to section twelve hundred two of this chapter and required to be used to determine the assessment of such state lands pursuant to this subdivision.

c. Upon receipt of the assessment form containing the list of state lands subject to taxation, the assessor shall provide the commissioner with initial assessments of such state lands. The assessor shall return to the commissioner the original assessment form, any proposed corrections to the inventory or description of such lands, the assessor's estimate of the value of such state lands determined pursuant to paragraph a of this subdivision and the assessor's initial assessments of such lands, at the uniform percentage of value established by the commissioner as the latest state equalization rate or special equalization rate for the assessing unit.

d. The commissioner shall review any initial assessment of such state land subject to taxation. Such review may include a physical inspection of the property, an appraisal, a comparison of sales data, or any other technique relevant to valuation. Following such review, the commissioner may accept, reject or modify the initial assessment. Where the commissioner accepts the initial assessment, it shall establish the same as the final assessment and so notify the assessor. Where the commissioner modifies or rejects the initial assessment, it shall substitute a preliminary assessment and so notify the assessor. For

information purposes, the commissioner shall provide copies of all notices issued pursuant to this subdivision to the appropriate tax levying bodies of each municipal corporation which levies taxes upon such state lands.

e. Following receipt of such list of preliminary assessments, the assessing authority may submit proposed corrections to such list to the commissioner, together with such supporting documentation as may be required by the commissioner.

f. The commissioner shall, after review of such documentation, promulgate a final assessment for each such parcel and transmit a list of such final assessments to the appropriate assessing authority, which shall then enter such assessments on the final assessment roll for such assessing unit.

g. In instances where the assessor does not provide the commissioner with initial assessments, the commissioner shall promulgate a final assessment for each parcel and transmit a list of such final assessments to the appropriate assessing authority, which shall enter such assessments on the final roll of such assessment unit.

h. The commissioner shall promulgate rules and regulations, including forms and dates for filings, to implement the procedures provided in this subdivision.

i. Any final assessment promulgated by the commissioner pursuant to paragraph f hereof shall be subject to review in a proceeding commenced by the appropriate assessing authority pursuant to article seventy-eight of the civil practice law and rules.

§ 536. Certain state lands subject to taxation for school purposes only. 1. The following state lands shall be subject to taxation for school purposes:

(a) Lands owned by the state, exclusive of the improvements erected thereon by the state, situate in the following school districts:

County	School District	Town
Broome	Common 4, 11	Kirkwood
Dutchess	Common 2	Amenia
	Common 1, 2	Beckman
	Common 6, 8, 9	Dover
	Common 3, 4	Fishkill
	Common 3	LaGrange
Erie	Common 3	Collins
Herkimer	Common 11, 12, 13	Russia
Livingston	Common 7	Groveland
Madison	Common 8	Eaton
Monroe	Common 1	Rush
Oneida	Union free 13	Westmoreland and Rome (city)
Orange	Common 1	Cornwall
	Union free 4, 5	Cornwall
	Common 2	Wallkill
	Common 16	Warwick
Orleans	Common 6	Albion
Saratoga	Common 5	Saratoga Springs (city)
Seneca	Common 5	Ovid and Romulus
Suffolk	Common 7	Babylon
	Common 15	Babylon and Huntington
	Common 16	Huntington
	Union free 12, 13	Islip
	Common 5	Smithtown
Sullivan	Common 4	Fallsburgh
Ulster	Union free 2	Wawarsing
Westchester	Union free 1	Ossining
Wyoming	Common 2, 3	Attica

(b) Lands owned by the state, exclusive of the improvements erected thereon by the state, situate in the following towns:

County	Town
Cattaraugus	Carrollton
	Cold Spring

	Elko
	Great Valley
	Red House
	Salamanca
	South Valley
Clinton	Ellenburg
Dutchess	Hyde Park
	Poughkeepsie
Greene	Coxsackie
Oneida	Lee
	Marcy
	Trenton
	Western
Orange	Highlands
	Tuxedo
	Woodbury
Rockland	All towns

(c) Lands owned by the state situate in union free school district number one of the towns of Dannemora and Saranac, Clinton county, Mount Morris central school district number one of the towns of Mount Morris, Leicester, Groveland and West Sparta, Livingston county, except state lands constituting a portion of Letchworth park, central school district number two of the towns of Fort Ann, Hartford and Kingsbury, Washington county, and central school district number one of the towns of Shawangunk, Plattekill, Gardiner and Marlborough, Ulster county and Newburgh and Montgomery, Orange county, exclusive of the improvements erected thereon by the state or maintained thereon by the state for the use of state institutions, except improvements owned by the state and occupied exclusively for residential purposes by persons who pay rent for such occupancy, or, if the occupants be state officials or employees, who either pay such rent or have in their families children who attend the school of one of such districts;

(d) Lands owned by the state, exclusive of the improvements erected thereon by the state, situate in common school district number two of the town of Genesee Falls, Wyoming county, constituting a portion of Letchworth park, the title to which was vested in the state on December first, nineteen hundred ten.

* (e) Lands owned by the state, within the core preservation area of the Central Pine Barrens area as described and bounded by subdivision eleven of section 57-0107 of the environmental conservation law, situate in the following school districts:

County	School District	Town
Suffolk	Rocky Point Union Free school district	Brookhaven
		Brookhaven
	Eastport-South Manor Central school district	Southampton
	Longwood Central school district	Brookhaven
	Riverhead Central school district	Brookhaven
		Riverhead
		Southampton
	Hampton Bays Union Free school district	Southampton
	Shoreham-Wading River Central school district	Brookhaven
		Riverhead

* NB Effective until ... (see 58/2018 Pt. CC § 5 for expiration provisions)

* (e) Lands owned by the state, within the core preservation area of the Central Pine Barrens area as described and bounded by subdivision eleven of section 57-0107 of the environmental conservation law, situate in the following school districts:

County	School District	Town
Suffolk	Rocky Point Union Free school district	Brookhaven
		Brookhaven
	Eastport-South Manor Central school district	Southampton
	Longwood Central school district	Brookhaven
	Riverhead Central school	Brookhaven

district

Riverhead

Southampton

Hampton Bays Union Free

Southampton

school district

* NB Effective ... (see 58/2018 Pt. CC § 5 for expiration provisions)

(f) Lands owned by the state, outside of the core preservation area of the Central Pine Barrens area as described and bounded by paragraph eleven of section 57-0107 of the environmental conservation law, situate in the Riverhead central school district within the town of Riverhead, county of Suffolk, where the title holder is listed as the "State of New York" on the town of Riverhead's assessment roll as of March sixteenth, two thousand six.

(g) Lands owned by the state, exclusive of the improvements erected thereon by the state, situate in the Smithtown central school district, in the county of Suffolk, constituting lands in the town of Smithtown with the following tax identification number: district 0800, section 0040, block 0002, lots 0011, and lands situate in the Three Village central school district, constituting lands in the town of Brookhaven with the following tax identification number: district 0200, section 0273, block 0001, lot 0003.

2. For the purposes of this section, such school districts, whether or not reorganized, shall be deemed to continue to exist with the boundaries that were in effect at the time the state lands therein were first subjected to taxation for school purposes.

§ 538. Time of acquisition of lands. Lands described in sections five hundred thirty-two, five hundred thirty-four and five hundred thirty-six of this chapter heretofore or hereafter acquired by the state shall be subject to taxation as provided in such sections.

§ 540. List to be supplied by commissioner. The commissioner shall annually transmit to the assessors of each assessing unit containing state lands subject to taxation, and to town or county assessors, who prepare a copy of the applicable part of the town or county assessment

roll for village tax purposes as provided in subdivision three of section fourteen hundred two of this chapter, for each such village containing state lands subject to taxation, a list of all such lands therein, which list shall be used by the assessors in preparing the assessment roll or copy of the applicable part thereof for village tax purposes. Such list shall include any common law and conservation easement therein made subject to taxation pursuant to this title and the appropriate allocation factor or factors which shall be entered as a separate parcel on the tentative assessment roll by the assessor.

§ 542. Assessment of state lands; approval thereof. 1. a. Except as provided in paragraph b of this subdivision, state lands subject to taxation shall be valued as if privately owned and assessed by multiplying the value of the lands by the latest state equalization rate established for the assessing unit or a special equalization rate established in accordance with the provisions of paragraph (a) of subdivision one of section twelve hundred twenty-two of this chapter.

b. Where an assessing unit implements a revaluation or update on an assessment roll completed on or after January first, nineteen hundred ninety-one, state lands subject to taxation in such assessing unit shall be valued as if privately owned as of the valuation date applicable to the revaluation or update and assessed at the same uniform percentage of value as other taxable real property in the assessing unit. In each year subsequent to a revaluation or update, state lands subject to taxation in such assessing unit shall be valued as if privately owned and valued as of the valuation date applicable to the revaluation or update and assessed at the same uniform percentage of value as other taxable real property in the assessing unit.

2. In the case of state lands subject to taxation for school purposes only, the assessors shall enter the assessments on the exempt part of the city or town assessment roll, as the case may be. When preparing the appropriate portion of the assessment roll for school district purposes, they shall enter such assessments on the taxable part thereof.

3. (a) Not later than twenty days prior to the date provided by law for the completion of the tentative assessment roll in any assessing unit in which state lands are subject to taxation, but in no event any earlier than the taxable status date for such roll, the assessor shall notify the commissioner of the amount of any assessment of such state lands. In the case of a village which has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, the town or county assessor, who prepares a copy of the applicable part of the town or county assessment roll for village tax purposes, shall also notify the commissioner of the amount of such state lands located within the village. Thereafter and not later than five days prior to the last day set by law for the completion of the final assessment roll each such assessment shall be approved by the commissioner in accordance with subdivision one of this section.

(b) No such assessment shall be valid for any purpose without the approval of the commissioner, which approval shall be evidenced by a certificate attached to the assessment roll of the assessing unit or copy of the applicable part thereof used for school district or village purposes, when the village is not an assessing unit, or filed therewith in accordance with section fifteen hundred eighty-four of this chapter. Where administrative or judicial proceedings are commenced to review an assessment approved by the commissioner, a certificate of approval shall not be deemed a waiver of any right to review of the assessment, nor shall such certificate constitute an admission in any such proceeding.

(c) Notwithstanding the foregoing provisions of this section or any general or special law to the contrary, the total taxable assessed valuation of those state-owned wild or forest lands lying within the Adirondack park as approved by the commissioner upon any final assessment roll completed, verified and filed in the year nineteen hundred sixty, shall not, upon any assessment roll hereafter completed, or applicable part thereof used for village tax purposes where the village is not an assessing unit, be reduced by the approval of the commissioner to a total amount less than the total taxable assessed valuation of such state-owned wild or forest lands within such park as approved by the commissioner upon the corresponding final assessment roll completed, verified and filed in the year nineteen hundred sixty as adjusted by the commissioner for any change in the level of assessment

thereafter occurring as hereinafter provided, and such total taxable assessed valuation of all state-owned wild or forest lands within such park as approved by the commissioner upon any final assessment roll completed, verified and filed in the year nineteen hundred sixty shall be adjusted by the commissioner upon its own motion or upon the application of the assessing unit, or village which is not an assessing unit, to reflect a subsequent increase or decrease in the level of assessment for the assessing unit, or village which is not an assessing unit, as compared with the corresponding final assessment roll completed, verified and filed in nineteen hundred sixty. "Adirondack park" or "park" as used in the last preceding sentence means land lying within the area described in subdivision one of section 9-0101 of the environmental conservation law including any future amendments thereto.

4. Notwithstanding the foregoing provisions of this section or any other law, an assessment of state lands taxable pursuant to the provisions of this title acquired by the state prior to the lien date of taxes thereon may, at any time within two years from the time made, be approved by the commissioner in such an amount as will place such assessment at the same percentage of full valuation as other taxable real property in the assessing unit at the time the assessment was made. Upon approval of such an assessment of state lands, taxes thereon shall be legalized, ratified and confirmed in an amount which would have been payable had such assessment been approved by the commissioner pursuant to subdivision three of this section. Such taxes may thereupon be audited and paid by the comptroller in the same manner that taxes on such lands would ordinarily be audited and paid.

§ 543. Assessment of conservation easements. 1. Upon acquisition of a conservation easement subject to taxation pursuant to this title and for common law easements acquired by the state in the Adirondack or Catskill parks and subject to taxation, the commissioner of environmental conservation shall determine an allocation factor applicable to each parcel subject to such conservation easement. The allocation factor shall be the portion of the value of each parcel which the easement represents, expressed as a percentage. The commissioner shall forthwith

certify any such allocation factor to the commissioner and to the fee owner. The commissioner shall supply to the commissioner copies of any appraisals made in conjunction with the acquisition of the easement for use by the board pursuant to section five hundred forty-two of this title.

2. Such allocation factor shall remain in effect for a period of ten years from the date of acquisition of such easement by the state or, for previously acquired common law easements, from the date such allocation factor was first determined. After such ten year period has elapsed, such allocation factor shall be subject to review and revision by the commissioner as appropriate, based on significant change in the relative values of the fee and easement interests.

3. After such ten year period has elapsed and in the first year in which the commissioner independently computes the portion of the value of the parcel attributable to a conservation easement or common law easement, if such portion is different from the allocation factor previously determined by the commissioner of environmental conservation, the commissioner shall recompute the allocation factor by averaging the previous allocation factor and the portion computed by the commissioner. In any subsequent year, the allocation factor based upon the portion computed by the commissioner shall supersede any previous allocation factor.

4. Whenever a conservation easement is acquired and for common law easements acquired by the state on land within the Adirondack or Catskill parks subject to taxation, the commissioner shall be a person aggrieved by the assessment of the parcel or parcels burdened by such easement for purposes of seeking administrative and/or judicial review of such assessments. Notwithstanding the provisions of section seven hundred four of this chapter, the commissioner may seek judicial review within two years of the acquisition of a conservation easement or, for such state owned common law easements, within two years of the date when the easement became subject to taxation and need not seek administrative review prior to seeking such judicial review. Whenever the commissioner seeks administrative or judicial review of the assessment of such

burdened parcel or parcels, it shall send a copy of the complaint or petition to the owner of a burdened parcel within ten days of the filing of a complaint or the service of a petition.

5. Determination and payment of the state's share of municipal real property taxes which become a lien after vesting but prior to the next taxable status date shall be made as follows:

(a) The state is responsible for direct payment to the municipality of its proportionate share, determined by multiplying the amount of the tax bill by the allocation factor which shall be certified by the commissioner to the assessor and chief fiscal officers of the municipalities within which the property is situated and to the state comptroller.

(b) Upon presentation of a certificate issued pursuant to this section, a collecting officer is hereby authorized to accept from the underlying fee owner the taxes due and owing from the fee owner after deducting those taxes for which the state is liable because of its acquisition of a conservation easement or common law easement subject to taxation pursuant to this title. Any official having custody of a final assessment roll or tax roll is hereby authorized to make such changes on that roll as may be required by the commissioner to incorporate the taxable assessed value attributable to such easement using the allocation factor as certified pursuant to this section.

(c) The county treasurer shall submit a copy of the certificate issued pursuant to this section, together with a statement of taxes due, to the state comptroller for payment pursuant to section five hundred forty-four of this title.

6. Payment of taxes by the owner of a parcel burdened by a conservation easement or common law easement made taxable pursuant to this title based upon the assessment of the parcel without consideration of that easement shall entitle that owner to a refund pursuant to section five hundred fifty-six of this article, equal to any taxes paid by the state upon such easement. Such owner shall present the certificate issued pursuant to this section and proof of payment to the tax levying body.

7. (a) Whenever the state acquires a conservation easement or a common law easement made taxable pursuant to this title which burdens a parcel containing an improvement, the commissioner shall specify whether the easement applies to the land, the improvements or both.

(b) Where a conservation easement created pursuant to title three of article forty-nine of the environmental conservation law or a common law easement for conservation purposes has been or is hereinafter acquired by the state:

(i) on a parcel of property which is otherwise fully exempt from taxation, the assessor shall determine the taxable assessment of the conservation easement by multiplying the allocation factor by the total assessed value of the land, the improvement, or the entire parcel, as appropriate;

(ii) on a parcel of property which is partially exempt from taxation, the assessor shall determine the taxable assessment of the conservation easement by multiplying the allocation factor by the total assessed value of the land, the improvement, or the entire parcel, as appropriate;

(iii) on a parcel which is partially exempt from taxation, the taxable assessed value of the burdened parcel shall be calculated through pro ration of the partial exemption in the same proportions as the allocation factor. The owner of the burdened parcel shall be entitled to the pro rated portion of the exemption which is applicable to the remainder fee interest.

(c) No exemption shall be applied to the total assessed value of the conservation easement.

§ 544. Payment of taxes by state. 1. The comptroller shall pay taxes levied on lands of the state in each county pursuant to the foregoing sections of this title, out of moneys appropriated by the legislature therefor, to the county treasurer for appropriate distribution upon submission of a statement of such taxes by him or her in such form and executed in such manner by the county treasurer as may be required by the comptroller. Provided, however, that in the case of lands which are taxable pursuant to subdivision (j) of section five hundred thirty-two of this title, the comptroller shall pay such taxes. Such payment shall

be requested, processed and paid separately from all other taxes that are payable to the county treasurer pursuant to this section.

2. No penalties, interest or fees of any kind, except fees payable to school district collecting officers pursuant to subdivision one of section thirteen hundred twenty-eight of this chapter on school taxes on lands outside the forest preserve, shall be added to taxes payable by the state pursuant to the provisions of this section.

§ 545. State aid; state-owned lands. 1. Whenever the state or an agency of the state acquires real property which becomes exempt as a result of such acquisition and which constitutes two per cent or more of the total taxable assessed valuation of the latest preceding assessment roll or there is a reduction in assessments on taxable state lands, the commissioner shall establish a "transition assessment" which will in effect prevent any loss of taxable assessed valuation on the assessment roll for the first year affected by such occurrence or occurrences. For each succeeding year, the commissioner shall establish a transition assessment which will in effect limit to two per cent of the total taxable assessed valuation on the latest preceding assessment roll the loss in taxable assessed valuation on such roll as a result of such occurrence or occurrences, and (i) further acquisitions by the state or an agency of the state, or (ii) further reductions in assessments on taxable state lands, or (iii) both (i) and (ii).

2. In the first year of such occurrence or occurrences, the commissioner shall establish a transition assessment.

3. In establishing transition assessments pursuant to this section, the commissioner shall: a. In determining whether real property acquired by the state or an agency of the state constitutes two per cent or more of the total taxable assessed valuation of the latest preceding assessment roll, the assessed valuation of the property acquired shall be determined from the second assessment roll preceding the first assessment roll affected by the acquisition;

b. In making computations and determinations pursuant to this section, take into account increases or decreases in level of assessment on the assessment rolls involved;

c. In establishing a transition assessment for a town assessment roll, indicate the amount of the transition assessment which is applicable to that portion of the town located outside of any village and also the amount of the transition assessment upon which state aid shall be paid for county purposes;

d. Round all transition assessments to the nearest ten dollars.

4. The transition assessments as established and certified by the commissioner shall be entered by the assessor or other appropriate local official on the assessment roll and shall be, and shall be treated for all purposes as, taxable assessed valuation on such roll.

5. The commissioner shall certify to the state comptroller all transition assessments which it establishes and the state comptroller shall pay as state aid the amounts, equivalent to the taxes, levied on such assessments, in the manner prescribed by section five hundred forty-four of this chapter out of moneys appropriated by the legislature for the payment of taxes on state-owned lands.

6. In making transition assessments pursuant to this section:

(a) for property acquired by a state public authority or by the state for the purposes of a state public authority, such transition assessments shall be reduced to take into account any payments in lieu of taxes made pursuant to law by such state public authority to the tax district, so that the total of state aid paid on each transition assessment and the payment in lieu of taxes received by the tax district would be in effect equal to the state aid payable on such transition assessment computed without regard to this subdivision; and

(b) for state lands in which interests have been granted by the state to others which interests and improvements made to lands in which those interests have been granted are taxable pursuant to subdivision two of section five hundred sixty-four of this article, such transition

assessments shall be reduced by the taxable assessed value of those interests and improvements.

(c) The assessor in each assessing unit for which transition assessments are made pursuant to this section shall annually report to the commissioner the total taxable assessed value of interests and improvements subject to taxation pursuant to subdivision two of section five hundred sixty-four of this article. This report shall be filed not later than ten days after the completion and filing of the final assessment roll each year.

7. Definitions. As used in this section: a. "Agency of the state", in the case of public authorities, includes state public authorities but excludes all other public authorities.

b. "Assessment roll", in the case of a city or town, means the entire city or town assessment roll; in the case of a village, means the entire village assessment roll, except in the case of a village which has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, may also mean that part of the assessment roll of the town or county upon which village taxes were or are to be levied; in the case of a county, means the entire city or town assessment roll affected by the occurrence or occurrences described in subdivision one of this section; in the case of a school district or special district, means that portion of the city or town assessment roll used for the levy of school or special district taxes which is affected by the occurrence.

c. "First year" means a year following a year for which no transition assessment was established.

d. "Lands" or "state lands" as used in this section, shall include lands acquired by the state or an agency of the state for highway or parkway purposes.

e. "Latest preceding assessment roll" means the last preceding assessment roll finally completed, verified and filed prior to the final completion of the assessment roll for which the transition assessment is

being established, but shall not mean or include a supplemental assessment roll completed, verified and filed as provided in section thirteen hundred thirty-five of this chapter.

f. "Reduction in assessments on state lands" means a loss in taxable assessed valuation on an assessment roll as a result of the approval by the commissioner of assessed valuations on state lands which in total amount to less than the total taxable assessed valuations on such lands in the preceding year, whether or not such lands were owned by the state in the preceding year.

g. "State public authority" means a public benefit corporation as defined in section sixty-six of the general construction law whose membership is required by law to consist entirely of members who are appointed by the governor or other state officer or who serve as members as ex officio state officers.

h. "Tax district" means a county, city, town, village, school district or special district.

§ 545-a. State aid; certain lands in Suffolk county. 1. State aid shall be payable to any tax district, as defined in subdivision five of this section when on any assessment roll the taxable assessed valuation in such district is reduced by a taking of previously taxable property by the state or any agency thereof.

2. The state aid payable to a tax district as defined in subdivision five of this section shall be equal to one hundred percent of the total amount of taxes which were levied on the assessed valuation so removed from the assessment roll in the year immediately preceding such removal. Said payments shall be made for five years immediately succeeding the effective date of this section. In the next three succeeding years, state aid payable to such tax district shall be equal to seventy-five percent, fifty percent and twenty-five percent, respectively, of the total amount of taxes which were levied on the assessed valuation removed from the assessment roll for the year preceding such removal.

3. In making computations and determinations pursuant to this section, there shall be taken into account increases or decreases in the level of assessment.

4. The chief fiscal officer of a tax district which qualifies for state aid pursuant to this section shall make application therefor to the commissioner. The application shall be made on a form prescribed by such commissioner and shall contain such information as the commissioner shall require. Upon approval of the application therefor by the commissioner, such state aid shall be paid upon audit and warrant by the state comptroller.

5. The term "tax district" shall mean a school district located within the county of Suffolk wherein real property was taken by the department of environmental conservation by deeds recorded on the sixteenth day of October and the twenty-ninth day of November, nineteen hundred seventy-eight.

§ 546. State aid; loss of certain public utility property. 1. State aid shall be payable to any tax district, as defined in subdivision seven of this section, when on any assessment roll the taxable assessed valuation in such district is decreased in any year by an amount equal to or in excess of ten percent of the total taxable assessed valuation on the latest preceding assessment roll because of the removal from such assessment roll of taxable real property of a public utility company, as defined in section two of the public service law, as a direct or indirect consequence of the surrender of any license, franchise, permit or authorization of such utility company where the undertaking or entering into of any project, operation, activity or contract actually undertaken or entered into by the state or any state agency or any authority or commission created or continued under the public authorities law is by any law or regulation of this state or of the United States specifically conditioned upon such surrender.

2. The state aid payable to a tax district in the first year in which

there is a decrease in taxable assessed valuation as a result of the removal from the assessment roll described in subdivision one of this section shall be equal to eighty per cent of the total amount of taxes which would have been levied on the assessed valuation so removed at the tax rate for the year preceding such removal, from which state aid shall be subtracted an amount equal to the amount of taxes which would have been levied at the tax rate for the preceding year on the excess of (i) the total taxable assessed valuation of the new property assessed on the assessment roll on which the decrease in assessed valuation occurs over (ii) one percent of the total assessed valuation of taxable property on the latest preceding assessment roll. In the next three succeeding years state aid payable to such tax district shall be equal to sixty per cent, forty per cent and twenty per cent, respectively, of the total amount of taxes which would have been levied on the assessed valuation removed as described in subdivision one of this section at the tax rate for the year preceding such removal from which state aid shall be subtracted an amount equal to the amount of taxes which would have been levied at the tax rate for the latest preceding year on the excess of (i) the total taxable assessed valuation of the new property assessed on the assessment roll on which taxes are levied for the fiscal year in which the aid is payable over (ii) one percent of the total assessed valuation of taxable property on the assessment roll preceding the removal from the assessment roll described in subdivision one of this section multiplied by the number of fiscal years for which the tax district has received state aid under this section including the then current year.

3. In the case of a school district, the state aid payable under this section shall be reduced by an amount equal to the amount of additional state aid which is payable to such school district under any other laws directly or indirectly as a result of the decrease in full valuation caused by the removal from the assessment roll described in subdivision one of this section.

4. In making computations and determinations pursuant to this section, there shall be taken into account increases or decreases in the level of assessment.

5. The chief fiscal officer of a tax district which qualifies for state aid pursuant to this section shall make application therefor to the commissioner. The application shall be made on a form prescribed by such commissioner and shall contain such information as the commissioner shall require. Upon approval of the application therefor by the commissioner, such state aid shall be paid upon audit and warrant by the state comptroller.

6. The term "new property" as used in this section shall mean the real property which was assessed as taxable on the assessment roll used for the levy of taxes for a fiscal year for which state aid is payable under this section and which was not assessed as taxable real property on the assessment roll of the tax district next preceding the assessment roll affected by the removal from the assessment roll described in subdivision one of this section.

7. The term "tax district" shall mean a county, a city and a city school district located in a city qualifying for state aid under the provisions of this section.

8. Notwithstanding the foregoing subdivisions of this section, state aid shall be payable as hereinafter provided to any school district located wholly or partly within a city of less than one hundred twenty-five thousand population, where on any assessment roll prepared prior to the effective date of this subdivision the taxable assessed valuation in such district has been decreased by an amount equal to or in excess of eight percent of the total taxable assessed valuation on the assessment roll next preceding such roll because of the removal of taxable real property of a public utility company, as defined in section two of the public service law, as a direct or indirect consequence of the acquisition of such property by the state or an agency of the state or of the surrender of any license, franchise, permit or authorization of such utility company where the undertaking or entering into of any project, operation, activity or contract actually undertaken or entered into by the state or any state agency or any authority or commission created or continued under the public authorities law is by any law or regulation of this state or of the United States specifically

conditioned upon such surrender. Such state aid shall be payable on application of the chief fiscal officer of such school district in the second, third, fourth and fifth school fiscal years following the last fiscal year for which a transition assessment was established pursuant to section five hundred forty-five of the real property tax law. The amount of such state aid payable in each of such years shall be forty percent of the amount of state aid paid in the first year of eligibility to such school district under the provisions of section five hundred forty-five of the real property tax law. Upon approval of the application by the commissioner the commissioner shall certify to the state comptroller the amount of payment computed pursuant to the provisions of this subdivision and such amounts shall be paid upon audit and warrant by the state comptroller out of moneys appropriated by the legislature for the payment of taxes on state-owned lands.

* 9. Notwithstanding the foregoing subdivisions of this section, state aid shall be payable as hereinafter provided to a city of less than one hundred twenty-five thousand population, where on any assessment roll prepared prior to the effective date of this subdivision the taxable assessed valuation in such city has been decreased by an amount equal to or in excess of eight percent of the total taxable assessed valuation on the assessment roll next preceding such roll because of the removal of taxable real property of a public utility company, as defined in section two of the public service law, as a direct or indirect consequence of the acquisition of such property by the state or an agency of the state or of the surrender of any license, franchise, permit or authorization of such utility company where the undertaking or entering into of any project, operation, activity or contract actually undertaken or entered into by the state or any state agency or any authority or commission created or continued under the public authorities law is by any law or regulation of this state or of the United States specifically conditioned upon such surrender. Such state aid shall be payable on application of the chief fiscal officer of such city in the fourth and fifth city fiscal years following the last fiscal year for which a transition assessment was established pursuant to section five hundred forty-five of the real property tax law. The amount of such state aid payable in each of such years shall be forty percent of the amount of state aid paid in the first year of eligibility to such city under the

provisions of section five hundred forty-five of the real property tax law. Upon approval of the application by the commissioner the commissioner shall certify to the state comptroller the amount of payment computed pursuant to the provisions of this subdivision and such amounts shall be paid upon audit and warrant by the state comptroller out of moneys appropriated by the legislature for the payment of taxes on state-owned lands.

* NB (Applicable only to city fiscal years commencing 1/1/72 and 1/1/73)

§ 547. Annual report. On or before January fifteenth the comptroller, in consultation with the board of real property services and other agencies as may be appropriate, shall submit to the governor and the legislature an annual accounting of state aid, taxes and assessments paid by the state pursuant to this article during the preceding and current fiscal years. Such accounting shall include, but not be limited to, the number, type and amount of claims so paid, as well as an estimate of claims to be paid during the remainder of the current fiscal year and during the following fiscal year.

TITLE 3

CORRECTION OF ASSESSMENT ROLLS AND TAX ROLLS

- Section 550. Definitions.
551. Entry by assessor of omitted real property on current assessment roll.
- 551-a. Failure to extend tax.
552. Correction of errors on tentative assessment rolls.
553. Correction of final assessment rolls.
554. Correction of errors on tax rolls.
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returned to county treasurer.

558. Cancellation of void taxes.

559. Application of title.

§ 550. Definitions. When used in this title:

1. "Assessment roll" means the assessment roll as it exists from the time of its tentative completion to the time of the annexation of a warrant for the collection of taxes.

2. "Clerical error" means:

(a) an incorrect entry of assessed valuation on an assessment roll or on a tax roll which, because of a mistake in transcription, does not conform to the entry for the same parcel which appears on the property record card, field book or other final work product of the assessor, or the final verified statement of the board of assessment review; or

(b) an entry which is a mathematical error present in the computation of a partial exemption; or

(c) an incorrect entry of assessed valuation on an assessment roll or on a tax roll for a parcel which, except for a failure on the part of the assessor to act on a partial exemption, would be eligible for such partial exemption; or

(d) an entry which is a mathematical error present in the computation or extension of the tax; or

(e) an entry on a tax roll which is incorrect by reason of a mistake in the determination or transcription of a special assessment or other charge based on units of service provided by a special district; or

(f) a duplicate entry on an assessment roll or on a tax roll of the description or assessed valuation, or both, of an entire single parcel; or

(g) an entry on an assessment or tax roll which is incorrect by reason of an arithmetical mistake by the assessor appearing on the property record card, field book or other final work product of the assessor; or

(h) an incorrect entry on a tax roll of a relieved school tax or relieved village tax which has been previously paid; or

(i) an entry on a tax roll which is incorrect by reason of a mistake

in the transcription of a relieved school tax or relieved village tax;
or

(j) an incorrect entry of assessed valuation on an assessment roll or a tax roll due to an assessor's failure to utilize the required assessment method pursuant to section five hundred eighty-one-a of this article in the valuation of qualifying real property.

3. "Error in essential fact" means:

(a) an incorrect entry on the taxable portion of the assessment roll, or the tax roll, or both, of the assessed valuation of an improvement to real property which was destroyed or removed prior to taxable status date for such assessment roll; or

(b) an incorrect entry on the taxable portion of the assessment roll, or the tax roll, or both, of the assessed valuation of an improvement to real property which was not in existence or which was present on a different parcel; or

(c) an incorrect entry of acreage on the taxable portion of the assessment roll, or the tax roll, or both, which acreage was considered by the assessor in the valuation of the parcel and which resulted in an incorrect assessed valuation, where such acreage is shown to be incorrect on a survey submitted by the applicant; or

(d) the omission of the value of an improvement present on real property prior to taxable status date; or

(e) an incorrect entry of a partial exemption on an assessment roll for a parcel which is not eligible for such partial exemption; provided that the exemption has not been renounced pursuant to section four hundred ninety-six of this chapter; or

(f) an entry pursuant to article nineteen of this chapter on an assessment or tax roll which is incorrect by reason of a misclassification of property which is exclusively used for either residential or non-residential purposes.

4. "Improvement" means real property as defined in paragraph (b) of subdivision twelve of section one hundred two of this chapter, and which has been separately described and valued on the property record card, field book or other final work product of the assessor.

4-a. "Omission" or "omitted real property" means a parcel wholly omitted from the assessment roll or tax roll, taxable real property entered on the roll as wholly exempt real property, or an error in essential fact as defined in paragraph (d) of subdivision three of this section. An omission shall also include taxable real property for which no school district or special district tax was levied because of a failure to include the property within the appropriate taxing district. An "omission" or "omitted real property" shall not include real property assessed pursuant to subdivisions two through five of section five hundred of this article.

5. "Tax levying body" means the governing board of a municipal corporation which annexes a warrant for the collection of taxes to a final assessment roll.

6. "Tax roll" means a final assessment roll upon which taxes have been extended and to which a warrant has been annexed.

7. "Unlawful entry" means:

(a) an entry on the taxable portion of the assessment roll or the tax roll, or both, of the assessed valuation of real property which, except for the provisions of section four hundred ninety of this chapter, is wholly exempt from taxation; or

(b) an entry on an assessment roll or a tax roll, or both, of the assessed valuation of real property which is entirely outside the boundaries of the assessing unit, the school district or the special district in which the real property is designated as being located, but not an entry on an assessment roll or a tax roll, or both, of the assessed valuation of real property assessed pursuant to subdivisions two through five of section five hundred of this article; or

(c) an entry of assessed valuation on an assessment roll or on a tax roll, or both, which has been made by a person or body without the authority to make such entry; or

(d) an entry of assessed valuation of state land subject to taxation on an assessment roll or on a tax roll, or both, which exceeds the assessment of such land approved by the commissioner; or

(e) an entry of assessed valuation of a special franchise on an

assessment roll or on a tax roll, or both, which exceeds the final assessment thereof as determined by the commissioner pursuant to subdivision one of section six hundred six of this chapter, or the full value of that special franchise as determined by the commissioner pursuant to subdivision two of section six hundred six of this chapter adjusted by the final state equalization rate established by the commissioner for the assessment roll upon which that value appears.

§ 551. Entry by assessor of omitted real property on current assessment roll. 1. The assessor of any assessing unit, upon his own motion or upon the application of any taxpayer therein, shall enter on the assessment roll of the current year, prior to the tentative completion thereof, any parcel of real property shown to have been omitted from the assessment roll of the preceding year, at the valuation of that year, or if not then valued, at such valuation as the assessor shall determine for the preceding year. A special franchise assessment after apportionment thereof by the assessor, if necessary, or an assessment of state land subject to taxation for the preceding year which is less than the assessment thereof approved by the commissioner, shall be entered at the valuation determined by the commissioner.

2. Real property assessed pursuant to this section shall be taxed at the tax rate or tax rates for the preceding year. The amount of tax or taxes levied pursuant to this section shall be deducted from the aggregate amount of taxes to be levied for the current year.

§ 551-a. Failure to extend tax. 1. Where it is made to appear to a collecting officer that a tax, which has been levied by or on behalf of a municipal corporation or special district, has not been extended against the final assessment of a parcel entered on a tax roll of the current or preceding year he shall add the appropriate tax to the tax roll of the current year pursuant to the procedure set forth in this section.

2. Such collecting officer shall extend a tax thereon on behalf of

the municipal corporation or special district by applying the tax rate of the municipal corporation or special district for the preceding year or current year, as the case may be. In the case of a tax not extended on the tax roll of the preceding year, the collecting officer shall enter on the tax roll of the current year the assessed value of such parcel as listed on the tax roll of the preceding year.

3. Upon extension of such tax, the collecting officer shall so notify the owner of such property. Such notice shall identify the parcel by the description appearing on the tax roll, and state the municipal corporation or special district on behalf of which such tax is extended, the tax year in question, the assessed value of such parcel, the tax rate used, and the amount of the tax. Such notice shall also notify the property owner of his right to complain as provided in subdivision four of this section.

4. An owner of property or other person who would be entitled to file a complaint pursuant to section five hundred twelve of this article, may petition the county director of real property tax services within ten days of the mailing of the notice required by subdivision three of this section, to object to the addition of such extension on the tax roll. The county director shall immediately report his findings with respect to the validity of the action of the collecting officer to the appropriate tax levying body.

5. The tax levying body shall examine the report of the county director and shall issue a determination in the matter. Copies of said determination shall be served upon the complainant, the collecting officer and the county director.

6. If an owner objects to the extension of such tax in the manner provided in subdivision four of this section, he shall have thirty days from the determination of the tax levying body to pay such tax without interest. In any other case, the owner shall have thirty days from the date the notice was mailed pursuant to subdivision three of this section to pay such tax without interest.

§ 552. Correction of errors on tentative assessment rolls. 1. Clerical errors, unlawful entries and errors in essential fact on tentative assessment rolls may be corrected in accordance with the provisions of this section.

2. (a) Where it is made to appear to the assessor that a clerical error, an unlawful entry or an error in essential fact is present on the tentative assessment roll, or an application for exemption is received after taxable status date pursuant to a local law adopted in accordance with subdivision eight of section four hundred sixty-seven of this chapter, the assessor shall execute and transmit to the board of assessment review a verified statement that such clerical error, unlawful entry or error in essential fact has been made or such late application for exemption has been received, including any available proof of such error. Such verified statement shall be on a form and shall contain such information as prescribed by the commissioner. For an error in essential fact, the petition shall include: (i) a copy of the property record card, field book, or other final work product upon which the incorrect assessment was based; and (ii) a copy of any existing municipal record which substantiates the occurrence of the error.

(b) Where the assessor acts pursuant to this subdivision at the request of the owner of the real property or any person who would be entitled to file a complaint as to such real property pursuant to section five hundred twenty-four of this chapter, the assessor shall immediately provide such owner or other person with a copy of the verified statement executed pursuant to paragraph (a) of this subdivision. If the verified statement executed pursuant to this paragraph is not received by the board of assessment review on or before the meeting of the board to hear and determine complaints in relation to assessments, then the owner or other person entitled to file a complaint pursuant to section five hundred twenty-four of this chapter may transmit to the board of assessment review the copy of the verified statement executed pursuant to this paragraph. The board of assessment review shall consider such copy of the verified statement as a petition filed pursuant to section five hundred fifty-three of this title.

(c) Where the assessor, acting pursuant to the provisions of this

section, submits to the board of assessment review a verified statement to increase an assessment, the assessor must provide the owner of the real property subject to such assessment a written notice together with a copy of the verified statement. Such written notice shall be mailed to the owner of the real property by certified mail at least five days prior to the meeting of the board of assessment review.

3. At the meeting of the board of assessment review to hear and determine complaints in relation to assessments the board shall review all verified statements which it receives pursuant to this section and on such review shall have all of the powers and duties imposed by law upon boards of assessment review by title one-A of this article and by any other law. Any changes ordered by a board of assessment review pursuant to this section shall be effected in the manner prescribed by sections five hundred twenty-five and five hundred twenty-six of this chapter.

§ 553. Correction of final assessment rolls. 1. An assessor shall execute and transmit a petition to the board of assessment review, as prescribed by subdivision two of this section, for correction of any of the following errors:

(a) a clerical error on the assessment roll for the current or preceding year which has resulted in an assessed valuation, or a special assessment or other charge based on units of service provided by a special district which is less than that actually appearing upon the property record card, field book or other final work product of the assessor;

(b) a clerical error on the assessment roll of the current year which has resulted in an assessed valuation, or a special assessment or other charge based on units of service provided by a special district which is more than that actually appearing upon the property record card, field book or other final work product of the assessor, or upon the final verified statement of the board of assessment review;

(c) an omission from the assessment roll for the preceding year of the assessed valuation of taxable real property;

(d) an omission from the assessment roll for the current year of the

assessed valuation of taxable real property;

(e) an unlawful entry appearing on the current assessment roll;

(f) an error in essential fact appearing on the current assessment roll;

(f-1) an incorrect entry of a partial exemption on the immediately preceding year's assessment roll for a parcel which was not eligible for such exemption, provided that there has not been a transfer of title subsequent to the filing of such roll and provided further that the exemption has not been renounced pursuant to section four hundred ninety-six of this chapter;

(g) an entry of assessed valuation of state land subject to taxation on an assessment roll for the current or preceding year which is less than the assessment thereof approved by the commissioner;

(h) an entry of assessed valuation of a special franchise on an assessment roll for the current or preceding year which is less than the final assessment thereof as determined by the commissioner pursuant to subdivision one of section six hundred six of this chapter, or the full value of that special franchise as determined by the commissioner pursuant to subdivision two of section six hundred six of this chapter adjusted by the final state equalization rate established by the commissioner for the assessment roll upon which that value appears.

2. (a) A petition for correction of an error listed in paragraphs (a), (c), (d), (f), (f-1), (g) and (h) of subdivision one of this section shall be transmitted at least ten days prior to the date designated pursuant to subdivision three of this section for the review of assessments made pursuant to this section. A petition for the correction of an error listed in paragraphs (b) and (e) of subdivision one of this section shall be transmitted at least five days prior to the date designated pursuant to subdivision three of this section for the review of assessments. The petition for correction of an error listed in subdivision one of this section shall be on a form and contain such information as prescribed by the commissioner and shall include any available proof that such error occurred. For an error described in paragraph (f) of subdivision one of this section, the petition shall include: (i) a copy of the property record card, field book, or other final work product upon which the incorrect assessment was based; and

(ii) a copy of any existing municipal record which substantiates the occurrence of the error.

(b) The assessor shall, at least ten days prior to the date designated for the review of assessments made pursuant to paragraphs (a), (c), (d), (f), (f-1), (g) and (h) of subdivision one of this section, notify by certified mail, return receipt requested, any owner of real property assessed pursuant to this section. Such notice shall include a copy of the petition of the assessor and a statement of the time and place of the meeting of the appropriate board of assessment review.

3. (a) The chairman of the board of assessment review shall, on the date specified for meetings of boards of review by section five hundred six of this chapter or by other applicable law, designate the dates on which the board of assessment review shall convene to review assessments made pursuant to this section. The dates to be designated shall be at least fifteen days subsequent to the filing of the final assessment roll and not more than ninety days but not later than twenty days prior to the date on which the tax levying body issues the warrant for the collection of taxes. The chairman of the board of assessment review shall immediately notify the appropriate assessor, tax levying body and county director of real property tax services of the designated dates.

(b) The appropriate board of assessment review, if it has received one or more petitions transmitted in accordance with the provisions of subdivision two of this section or section five hundred fifty-four or five hundred fifty-six of this title, shall, on the date designated by the chairman pursuant to paragraph (a) of this subdivision, convene to review such petitions, and on such review the board shall have all of the powers and duties imposed by law on boards of review by section five hundred twelve of this chapter and by any other law. If no petitions have been transmitted within five days of the designated date, the chairman of the board of assessment review may cancel the meeting upon notice to the members of such board, the appropriate assessor or board of assessors, the tax levying body and the county director of real property tax services.

(c) The members of the board of assessment review or a majority of them shall prepare and verify a statement showing the changes in assessments made pursuant to this section. Such verified statement shall

be delivered to the appropriate tax levying body within five days of the meeting of the board of assessment review and a copy of that statement shall be delivered to the assessor and shall be filed with the final assessment roll and retained in the office of the city or town clerk.

4. (a) Upon receipt of the verified statement of changes made by the board of assessment review, the appropriate tax levying body, prior to the extension of taxes and annexation of the warrant, shall:

(1) as to a clerical error described in paragraph (a) of subdivision one of this section, enter on the assessment roll of the current year an assessment of the real property, as determined by the board of assessment review, equal to the difference between the valuation appearing on the property record card, field book or other final work product of the assessor and the amount at which, by such clerical error, the property was placed upon the final assessment roll of the preceding or current year, and levy a tax thereon by applying the tax rate of the appropriate municipal corporation for the year in which the mistake occurred;

(2) as to a clerical error described in paragraph (b) of subdivision one of this section or an error in essential fact as defined in paragraph (a), (b) or (c) of subdivision three of section five hundred fifty of this title, reduce the assessment of such real property on the assessment roll of the current year to the valuation, as determined by the board of assessment review, for the current year and levy the tax on such reduced amount;

(3) as to an omitted assessment as described in paragraph (c) of subdivision one of this section, place the same on the roll of the current year at the valuation, as determined by the board of assessment review, for the preceding year, and tax the same at the rate of tax for the preceding year;

(4) as to an omitted assessment as described in paragraph (d) of subdivision one of this section or an error in essential fact as defined in paragraph (d) of subdivision three of section five hundred fifty of this title, place the same thereon at the valuation, as determined by the board of assessment review, for the current year and tax the same at the rate of tax for the current year;

(5) as to an unlawful entry as described in paragraph (e) of

subdivision one of this section, cancel such unlawful entry, and, if appropriate, enter such assessed value in the wholly exempt portion of the assessment roll;

(6) as to an entry of a canceled partial exemption as described in paragraph (f-1) of subdivision one of this section and as determined by the board of assessment review, enter on the assessment roll of the current year the increase in the taxable assessment for the preceding year that results from such cancellation, and levy a tax thereon by applying the tax rate of the appropriate municipal corporation for the year in which the exemption was wrongly received;

(7) as to an entry of assessed valuation as described in paragraphs (g) and (h) of subdivision one of this section, enter on the assessment roll of the current year an assessment of the real property, equal to the difference between the assessment approved or determined by the commissioner, as the case may be, and the amount at which the property was placed upon the final assessment roll of the preceding or current year, and levy a tax thereon by applying the tax rate of the appropriate municipal corporation or special district for the appropriate year.

(b) Upon a correction to a final assessment roll made pursuant to paragraph (a) of this subdivision, the appropriate tax levying body shall immediately mail notice of the correction to the owner of the real property affected by such correction.

(c) An assessment of real property made pursuant to this section shall be subject to review as provided in article seven of this chapter. Such a proceeding shall be commenced within thirty days of the date of the mailing of the notice as provided by paragraph (b) of this subdivision.

5. The amount of any tax levied at the tax rate for the preceding year pursuant to subparagraphs one, three, six and seven of paragraph (a) of subdivision four of this section shall be deducted from the aggregate amount of taxes to be levied for the current year.

§ 554. Correction of errors on tax rolls. 1. The appropriate tax levying body may correct a clerical error, an unlawful entry, or an error in essential fact other than an error in essential fact as defined in paragraph (d) of subdivision three of section five hundred fifty of

this title in accordance with the provisions of this section.

2. Whenever it appears to an owner of real property, or any person who would be entitled to file a complaint pursuant to section five hundred twenty-four of this chapter, that a clerical error, an unlawful entry or error in essential fact described in subdivision one of this section is present on the tax roll in regard to his real property, such owner or other person, may, at any time prior to the expiration of the warrant, file an application in duplicate with the county director of real property tax services for the correction of such error.

3. The application for correction of a clerical error, an unlawful entry or error in essential fact pursuant to this section shall be on a form and shall contain such information as prescribed by the commissioner, including any available proof that such error occurred, and shall be available in the offices of all collecting officers and in the office of the county director. For an error in essential fact, the application for correction shall include a copy of the property record card, field book, or other final work product upon which the incorrect assessment was based and a copy of any existing municipal record which substantiates the occurrence of the error. For an unlawful entry as defined in paragraph (a) of subdivision seven of section five hundred fifty of this title, the application for correction shall include a statement by the assessor or by a majority of a board of assessors substantiating that the assessor or assessors have obtained proof that the parcel which is the subject of the application should have been granted tax exempt status; the failure to include such statement shall render the application null and void and shall bar the tax levying body from ordering correction of the tax roll pursuant to this section.

4. (a) The county director, within ten days of the receipt of an application filed pursuant to this section, shall investigate the circumstances of the claimed clerical error, unlawful entry or error in essential fact to determine whether the error exists, and on such investigation he may require and shall receive from any officer, employee, department, board, bureau, office or other instrumentality of the appropriate municipal corporation such facilities, assistance and

data as will enable him to properly consummate his studies and investigations hereunder.

(b) Upon completion of such investigation the county director shall immediately transmit a written report of such investigation and his or her recommendation for action thereon, together with both copies of the application, to the tax levying body. If the same alleged error also appears on a current assessment roll, the county director shall also file a copy of such report and recommendation with the appropriate assessor and board of assessment review who shall consider the same to be the equivalent of a petition for correction filed with such board pursuant to section five hundred fifty-three of this title.

5. The tax levying body, at a regular or special meeting, upon the presentation of an application filed pursuant to this section and the written report described by subdivision four of this section, shall:

(a) examine the application and report to determine whether the claimed clerical error, unlawful entry or error in essential fact exists;

(b) reject an application where it is determined that the claimed clerical error, unlawful entry or error in essential fact does not exist by making a notation on the application and the copy thereof that the application is rejected and the reasons for the rejection;

(c) approve an application where it is determined that the claimed clerical error, unlawful entry or error in essential fact does exist by making a notation on the application and the copy thereof that the application is approved and by entering thereon the correct extension of taxes;

(d) make an order setting forth the corrected taxes and directing the officer having jurisdiction of the tax roll to correct such roll;

(e) transmit immediately to the officer having jurisdiction of the tax roll the order and all applications that have been approved;

(f) mail an application that has been rejected to the applicant;

(g) mail a notice of approval of an application that has been approved to the applicant;

(h) file with the records of the tax levying body the copies of all applications.

6. The officer having jurisdiction of the tax roll, upon receipt of the order described in subdivision five of this section, shall immediately correct the tax roll as directed by the order and shall collect the corrected taxes as determined by the tax levying body. The order and approved applications shall be annexed to the tax roll and warrant, or filed therewith in accordance with section fifteen hundred eighty-four of this chapter, by the officer having jurisdiction of the roll and shall become a part thereof.

7. (a) An applicant who files his application with the county director within the period when taxes may be paid without interest, may, if his application is approved, pay the corrected tax as determined by the tax levying body without interest if payment is made within eight days of the date on which the notice of approval is mailed pursuant to paragraph (g) of subdivision five of this section.

(b) An applicant other than one described in paragraph (a) of this subdivision shall pay interest as prescribed by law on the corrected tax; provided, however, that no additional interest shall be imposed if the corrected amount of the tax is paid within eight days of the date on which the notice of approval is mailed pursuant to paragraph (g) of subdivision five of this section, unless such eight day period would end after the expiration of the warrant, in which case the period for paying the corrected tax without additional interest shall end upon the expiration of the warrant.

8. The powers and duties imposed by this section upon the county director of real property tax services shall be performed by such officer for tax levies for county, city, town, special district and school district purposes except that (a) in the case of counties having the power to assess real property for tax purposes such powers and duties shall be performed by the chief assessing officer or the chairman of the county board of assessors and, (b) in the case of villages, for village tax purposes, such powers and duties shall be performed by the village assessor or the chairman of the village board of assessors; provided, however, that if the village has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, the county director shall perform the powers and duties imposed

upon such officer by this section on behalf of such village.

9. (a) A tax levying body may, by resolution, delegate to an official who is empowered to authorize payment of bills without prior audit by such body or, in the event there is no official so empowered, to an official responsible for the payment of bills upon audit of the appropriate municipal corporation so designated by it, the authority to perform the duties of such tax levying body, as provided in this section. Such resolution shall only be in effect during the calendar year in which it is adopted and shall designate that such delegation of authority is applicable only where the recommended correction is twenty-five hundred dollars or less, or such other sum not to exceed twenty-five hundred dollars.

(b) Where such resolution is adopted and the recommended correction does not exceed the amount specified in the designating resolution, the county director shall transmit the written report of the investigation and recommendation, together with both copies of the application, to the official designated by the tax levying body. Upon receipt of the written report, the designated official shall follow the procedure which the tax levying body would follow in making corrections, provided, however, where the designated official denies the correction, in whole or in part, such official shall transmit to the tax levying body for its review and disposition pursuant to subdivision five of this section the written report of the investigation and recommendation of the county director, together with both copies of the application and the reasons that the designated official denied the correction. Where the recommendation of the county director is to deny the application or the correction requested is an amount in excess of the amount authorized in the enabling resolution, the county director shall transmit the written report of the investigation and recommendation, together with both copies of the application, to the tax levying body.

(c) On or before the fifteenth day of each month, the designated official shall submit a report to the tax levying body of the corrections processed by such official during the preceding month. Such report shall indicate the name of each recipient, the location of the property and the amount of the correction.

§ 555. Changes in descriptions of real property on final assessment rolls. The tax levying body of each municipal corporation other than a school district shall examine any final assessment roll properly before such body for its action, confirmation or review and shall make such changes in the descriptions of real property as may be necessary to render them sufficiently definite for the purpose of enforcement of collection of taxes by tax sale. If a sufficiently definite description cannot be obtained for the tax levy of the current year, the board shall cause the same to be obtained for the tax levy of the succeeding year. The real property shall not be taxed until such description is obtained, and it shall then be taxed for the year omitted in the manner provided for taxing omitted property.

§ 556. Refunds and credits of taxes. 1. (a) Pursuant to the provisions of this section, an appropriate tax levying body may refund to any person the amount of any tax paid by him or her, or portion thereof, as the case may be, or may provide a credit against an outstanding tax (i) where such tax was attributable to a clerical error or an unlawful entry and application for refund or credit is made within three years from the annexation of the warrant for such tax, or (ii) where such tax was attributable to an error in essential fact, other than an error in essential fact as defined in paragraph (d) of subdivision three of section five hundred fifty of this title, and such application for refund or credit is made within three years from the annexation of the warrant for such tax.

(b) For each year for which a refund or credit is granted pursuant to the provisions of this section by reason of the existence of an unlawful entry as defined by paragraph (b) of subdivision seven of section five hundred fifty of this title, the assessor of the assessing unit in which the subject real property is actually located, but has been omitted from the assessment and tax rolls of such assessing unit, or a school district or special districts located therein, shall have the authority to enter such real property on the current assessment roll in accordance with the provisions of section five hundred fifty-one of this title, notwithstanding any time limitation contained in such section.

2. (a) Whenever it appears to a person who has paid a tax that such tax, or a portion thereof, was attributable to an unlawful entry, a clerical error, or an error in essential fact, as described in subdivision one of this section, such person may file an application in duplicate, including any available proof of the error, with the appropriate county director of real property tax services for a refund of such tax, or portion thereof, as the case may be.

(b) Whenever it appears to a person who is an owner of a parcel which is subject to an outstanding tax, that such tax, or a portion thereof, was attributable to an unlawful entry, a clerical error, or an error in essential fact, as described in subdivision one of this section, such person may file an application in duplicate, including any available proof of the error, with the appropriate county director of real property tax services for a credit of such tax, or portion thereof.

(c) For an error in essential fact, the application for correction shall include a copy of the property record card, field book, or other final work product upon which the incorrect assessment was based and a copy of any existing municipal record which substantiates the occurrence of the error. For an unlawful entry as defined in paragraph (a) of subdivision seven of section five hundred fifty of this title, the application for correction shall include a statement by the assessor or by a majority of a board of assessors substantiating that the assessor or assessors have obtained proof that the parcel which is the subject of the application should have been granted tax exempt status; the failure to include such statement shall render the application null and void and shall bar the tax levying body from directing a refund or credit of taxes pursuant to this section.

3. The application for a refund or credit pursuant to this section shall be on a form and shall contain such information as prescribed by the commissioner and shall be available in the offices of all collecting officers and in the office of the county director.

4. (a) The county director, within ten days of the receipt of an application filed pursuant to this section, shall investigate the circumstances of the claimed unlawful entry, clerical error or error in

essential fact to determine whether the error exists, and on such investigation he may require and shall receive from any officer, employee, department, board, bureau, office or other instrumentality of the appropriate municipal corporation such facilities, assistance and data as will enable him to properly consummate his studies and investigations hereunder.

(b) Upon completion of such investigation the county director shall immediately transmit a written report of such investigation and his or her recommendation for action thereon, together with both copies of the application, to the tax levying body. If the same alleged error also appears on a current assessment roll, the county director shall also file a copy of such report and recommendation with appropriate assessor and board of assessment review who shall consider the same to be the equivalent of a petition for correction filed with such board pursuant to section five hundred fifty-three of this title.

5. The tax levying body, at a regular or special meeting, upon the presentation of an application filed pursuant to this section and the written report described in subdivision four of this section, shall:

(a) examine the application and report to determine whether the claimed unlawful entry, clerical error or error in essential fact exists;

(b) reject an application where it is determined that the claimed unlawful entry, clerical error or error in essential fact does not exist by making a notation on the application and the duplicate copy thereof that the application is rejected and the reasons for the rejection;

(c) approve an application where it is determined that the claimed unlawful entry, clerical error or error in essential fact does exist by making a notation on the application and the duplicate copy thereof that the application is approved and by entering thereon the amount of the refund to be paid or outstanding tax to be credited;

(d) mail an application that has been rejected to the applicant;

(e) mail an application that has been approved to the applicant.

6. (a) The amount of any tax refunded or credited pursuant to this section shall be a charge upon each municipal corporation or special district to the extent of any such municipal corporation or special

district taxes that were so refunded. Amounts so charged to cities, towns and special districts shall be included in the next ensuing tax levy.

(b) In raising the amount of a refund or credit pursuant to this section of a relieved school tax the appropriate tax levying body shall charge back against the school district which levied such tax the amount of the refund or credit which shall not exceed the amount paid by the county treasurer to such school district upon the return of such tax. The amount so charged against such school district shall be deducted by the county treasurer and withheld from any moneys which shall become payable by him to such school district by reason of taxes which shall thereafter be returned to him by such school district. No such charge shall be made by the county legislative body against a school district unless ten days' notice thereof by mail has been given to the school authorities thereof. Notice that such deduction will be made shall thereafter be given by the county treasurer in writing to such school authorities on or before the first day of May prior to the making of such deduction.

7. The powers and duties imposed by this section upon the county director of real property tax services shall be performed by such officer for taxes levied for county, city, town, special district and school district purposes except that (a) in the case of counties having the power to assess real property for tax purposes such powers and duties shall be performed by the chief assessing officer or the chairman of the county board of assessors and, (b) in the case of villages, for village tax purposes, such powers and duties shall be performed by the village assessor or the chairman of the village board of assessors; provided, however, that if the village has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, the county director shall perform the powers and duties imposed upon such officer by this section on behalf of such village.

8. (a) A tax levying body may, by resolution, delegate to an official who is empowered to authorize payment of bills without prior audit by such body or, in the event there is no official so empowered, to an official responsible for the payment of bills upon audit of the

appropriate municipal corporation so designated by it, the authority to perform the duties of such tax levying body, as provided in this section. Such resolution shall only be in effect during the calendar year in which it is adopted and shall designate that such delegation of authority is applicable only where the recommended refund or credit is twenty-five hundred dollars or less, or such other sum not to exceed twenty-five hundred dollars.

(b) Where such resolution is adopted and the recommended refund or credit does not exceed the amount specified in the designating resolution, the county director shall transmit the written report of the investigation and recommendation, together with both copies of the application, to the official designated by the tax levying body. Upon receipt of the written report, the designated official shall follow the procedure which the tax levying body would follow in making refunds, provided, however, where the designated official denies the refund or credit, in whole or in part, such official shall transmit to the tax levying body for its review and disposition pursuant to subdivision five of this section the written report of the investigation and recommendation of the county director, together with both copies of the application and the reasons that the designated official denied the refund or credit. Where the recommendation of the county director is to deny the application or the refund or credit requested is in an amount in excess of the amount authorized in the enabling resolution, the county director shall transmit the written report of the investigation and recommendation, together with both copies of the application, to the tax levying body.

(c) On or before the fifteenth day of each month, the designated official shall submit a report to the tax levying body of the refunds or credits processed by such official during the preceding month. Such report shall indicate the name of each recipient, the location of the property and the amount of the refund or credit.

(d) In no case shall the total sum of such refunds or credits approved by the designated official exceed the amount appropriated therefor by the tax levying body.

9. In the event that an appropriation for a refund authorized pursuant to this section is included in the annual budget next adopted after

approval of such refund, interest shall be added to such refund computed from the date that the application is approved pursuant to subdivision five or eight of this section.

10. When a portion of an outstanding tax has been credited pursuant to this section, any interest and penalties that have been imposed thereon shall be reduced to the extent that such interest and penalties were attributable to the credited portion of the tax, and no additional interest and penalties shall be imposed if the corrected amount of the tax is paid within eight days of the date on which the notice of approval is mailed pursuant to paragraph (e) of subdivision five of this section.

§ 556-b. Correction of certain errors, substantial in number and identical in nature. 1. If the same clerical error as defined in paragraph (b), paragraph (d) or paragraph (e) of subdivision two of section five hundred fifty of this title, or the same unlawful entry as defined in paragraph (b) of subdivision seven of section five hundred fifty of this title, occurs with respect to a substantial number of parcels in the preparation of a tax roll, such clerical error or unlawful entry shall be corrected as provided in this section.

2. One application, in triplicate, shall be filed with the county director of real property tax services, on behalf of all owners of property affected by the clerical error or the unlawful entry described in subdivision one of this section. Such application shall be on a form and contain such information as may be prescribed by the commissioner.

3. (a) The county director, within ten days of the receipt of an application filed pursuant to this section, shall investigate the circumstances of the claimed clerical error or unlawful entry and shall forthwith issue a written report, notifying the tax levying body of his findings with respect thereto. If the tax levying body determines that the claimed clerical error or unlawful entry has occurred, it shall immediately issue an order setting forth the corrected taxes, directing the officer having jurisdiction of the tax roll to correct such roll.

(b) An applicant and all owners of property affected by the clerical error or unlawful entry, provided the application was filed with the county director within the period when taxes may be paid without interest, may pay the corrected tax as determined by the tax levying body without interest, if payment is made within eight days of the date on which the corrected tax bill is mailed.

4. Upon issuance of the order prescribed by subdivision three of this section, the tax levying body shall order the refund of any excess taxes paid or credit against an outstanding tax with respect to said error or unlawful entry. The amount of any taxes, including relieved school taxes, so refunded or credited shall be a charge upon each municipal corporation, special district or school district to the extent provided in section five hundred fifty-six of this title, and the procedure for making the refund or crediting the tax shall be as prescribed in such section.

5. One copy of an approved application and the order with respect thereto shall be annexed to the tax roll and warrant, or filed therewith in accordance with section fifteen hundred eighty-four of this chapter, by the officer having jurisdiction of the roll and shall become a part thereof.

6. In the case of an application which has been rejected, the tax levying body shall mail a copy thereof to the applicant.

§ 557. Cancellations and rejections of certain delinquent taxes returned to county treasurer. 1. Where it appears, after the return to the county treasurer of unpaid taxes, that any taxable property in any city or town has been assessed in duplicate for any year or years, if no sale of property has been had to enforce collection of the tax due thereon, the county treasurer may cancel one of the duplicate taxes. He shall charge back and apportion the amount thereof upon the real property of the several cities and towns of the county as shall be just, taking into consideration the portion of the county, city and town included therein, and the extent to which such city or town has been

benefited thereby.

2. (a) The county treasurer shall examine the accounts of arrears of taxes received from the collecting officer of each city and town and shall reject all taxes charged on real property so inaccurately described that the collection of taxes by the sale of such real property cannot be enforced. The county treasurer shall deliver a list of the taxes rejected to the mayor of the city or the supervisor of the town in which the taxes have been so rejected. Such mayor or supervisor shall cause an accurate description of such real property to be made and returned to the treasurer, with the correct amount of taxes thereon, stating each tax separately. If necessary, such mayor or supervisor may cause a survey and map of any of such real property to be made.

(b) A statement of the taxes on real property in each city and town so rejected, including the amount of fees and interest thereon, shall be forwarded by the county treasurer to the mayor of the city or the supervisor of the town in which such real property was assessed. Such mayor or supervisor shall add to the current assessment roll of the city or town in which the real property is situated, an accurate description of such real property, the assessment thereof, the correct amount of taxes due thereon, the tax of each year and each different tax set out separately, stating that it is a revised assessment. The county legislature shall direct the collection of such taxes so added to the assessment roll and they shall be considered the taxes of the year in which the description is perfected. If such tax be not levied upon such real property as herein required, the county legislature shall cause the same, with the amount of fees and interest thereon, to be levied upon the city or town in which originally assessed, and collected with the other taxes of the same year.

3. The provisions of subdivisions one and two of this section shall also apply to returns and accounts of arrears transmitted by a village board of trustees to a county treasurer pursuant to the provisions of subdivision four of section fourteen hundred thirty-six of this chapter. Any amounts to be charged back to a village pursuant to this section shall be withheld by the county treasurer from any moneys which shall become payable by him to such village by reason of taxes which shall

thereafter be returned to him as uncollected by such village.

§ 558. Cancellation of void taxes. 1. The county legislature of any county shall direct the cancellation of any unpaid tax levied or imposed by such county against property of the state or the United States where it is determined that the lien of such tax cannot be enforced. The county legislature of any county shall also direct the cancellation of any unpaid tax levied or imposed by such county where the lien of such tax is rendered permanently unenforceable by operation of the provisions of any statute. The amount of any tax so cancelled shall be a charge upon the county to the extent of the county taxes that were so cancelled and upon the cities and towns or special districts thereof to the extent of the respective city, town or special district taxes that were so cancelled. Amounts so charged to cities, towns and special districts shall be included in the next ensuing tax levy.

2. The county legislature of any county shall direct the cancellation of any unpaid school tax levied by such county pursuant to subdivision five of section thirteen hundred thirty or subdivision five of section thirteen hundred thirty-two of this chapter, or any unpaid village tax levied by such county pursuant to subdivision four of section fourteen hundred forty-two of this chapter, against property of the state or the United States where it is determined that the lien of such tax cannot be enforced, or where the lien of such tax is rendered permanently unenforceable by operation of the provisions of any statute. The amount of any tax so cancelled shall be charged against the school district or village which levied such tax. The amount so charged against a school district or village shall be withheld by the county treasurer from any moneys which shall become payable by him to such school district or village by reason of taxes which shall thereafter be returned to him as uncollected by such school district or village. No such cancellation of any unpaid school taxes or no such charge shall be made by the county legislature against any such school district or village unless ten days' notice thereof by mail shall be given to the school authorities thereof.

3. Where a city, town or village has the power to enforce the

collection of delinquent taxes, such city, town or village shall have the same powers and duties concerning the cancellation of void taxes as is granted to counties pursuant to the foregoing provisions of this section. Void taxes may be cancelled and the amount of such cancelled taxes shall be apportioned and charged back to the appropriate county, village, school district or special district in the manner provided in the foregoing provisions of this section.

§ 559. Application of title. 1. No "charter law," as such term is defined in section thirty-two of the municipal home rule law, nor local law shall be adopted which is inconsistent with the provisions of this title.

2. Provisions of all general, special, local or other laws which are inconsistent with the provisions of this title shall be inapplicable to municipal corporations to which this title applies but if not inconsistent shall apply to such municipal corporation.

3. This title shall apply to all municipal corporations except a city with a population of five million or more.

TITLE 4

MISCELLANEOUS PROVISIONS

Section 560. Abandoned subdivisions.

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- 582. Valuation of agricultural structures.
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§ 560. Abandoned subdivisions. 1. Whenever more than five years has elapsed after the subdivision of any tract of land into lots, plots or sites, with or without proposed streets, the owner of such tract or any part thereof composed of two or more contiguous lots may, by an instrument in writing, duly executed and acknowledged, describing such land, disclaim and abandon such subdivision including any streets not opened, accepted or used by the public and which are not necessary for the use of an owner or occupant of any part of such tract. Thereafter, for the purpose of assessment, the lands described therein shall be regarded as a single tract, provided a copy of such instrument is filed (a) with the assessors, (b) if such tract is wholly or partly within a village, with the clerk of each such village, and (c) if such tract is wholly or partly within the unincorporated area of a town, with the town clerk of each such town, and, if a map of such subdivision has been filed in the office of a recording officer, provided such instrument is recorded in the office of such recording officer. A notice of the recording shall be endorsed by the recording officer upon the map at the time of recording the instrument.

2. Neither the assessors nor the recording officer shall accept such an instrument unless it has endorsed thereon or attached thereto a certificate of the county treasurer and a certificate of the collecting officer of any city, town or village wherein such property or any part thereof is situate, stating that all taxes which have been levied against such property have been paid according to the records in the office of the person making the certificate and a receipt of the clerk of each village or town in which any part of such tract is situate for the filing of such instrument and a certificate of the county director of real property tax services that the fee authorized by section five hundred three of this article, if any, has been paid. In such counties, no subdivision of any tract of land into lots, plots or sites or any part thereof shall be abandoned, nor shall the county land map or the county tax map be changed or altered to indicate such an abandonment except as provided in this section.

§ 561. Payments in lieu of taxes; change of assessment; effective date. Notwithstanding any other provision of law, for any payment in lieu of taxes agreement entered into on or after the effective date of this section, when the assessment of a property making payments in lieu of taxes is challenged through the grievance process, any reduction in payments in lieu of taxes made to a school district resulting from such challenge shall not take effect until the following taxable status year.

§ 561-a. Payments in lieu of taxes; change of assessment; notice. Notwithstanding any other provision of law, any person, firm, partnership, corporation, limited liability company or any other business entity which makes payments in lieu of taxes to any agency, county, town, village, city or school district, shall, prior to filing with such agency, county, town, village, city or school district for a change of assessment, notify such agency, county, town, village, city or school district of such business entity's intention to file for such change; provided however that such notice shall not be required in cities with a population of one million or more. Such notification of intention shall be made in writing and shall be made at least forty-five

days prior to such filing for change of assessment.

§ 562. Certain property used or occupied by a railroad.

Notwithstanding the provisions of this chapter or any other law, real property used or occupied by a railroad for purposes of railroad operation, title to which is in the state of New York or in any municipal corporation thereof under any of the grade crossing elimination acts, shall be deemed property of the railroad for purposes of taxation and shall be assessed and taxed in the same manner and to the same extent as if such railroad were the owner thereof.

§ 563. Real property used to store spent nuclear fuel. Notwithstanding any other provision of law, real property, as defined in paragraph (j) of subdivision twelve of section one hundred two of this chapter, shall be assessable.

§ 564. Privately-owned improvements on state lands. 1. Improvements not owned by the state, but situate on land owned by the state, shall be assessed and taxed in the name of the owners thereof.

2. Interests granted pursuant to subdivision four-a of section three of the public lands law or subdivision thirty-eight of section ten of the highway law or subdivision one of section seventy-two-n of the general municipal law and any improvement made thereto, shall be separately assessed and taxed in the name of the lessees thereof; provided that with respect to interest granted pursuant to subdivision one of section seventy-two-n of the general municipal law and any improvements made with respect thereto, taxes, special ad valorem levies or special assessments shall not become a lien thereon but the lessee shall be personally liable in accordance with the provisions of section nine hundred twenty-six of this chapter.

§ 566. Dams and reservoirs. 1. Dam sites, dams, reservoirs and

flowage lands, including the right or privilege in connection therewith and the capacity thereof to impound, store or provide water for power purposes, shall be assessed in the assessing unit in which they are situated. If the legal title to lands occupied or submerged by or in connection with a dam or reservoir for the storage of water for power purposes, or adapted for such purposes because of the existence of a dam site or otherwise, is held by the state or a person other than the owner of the dam, reservoir or dam site and appurtenant rights, but the use, occupation or possession of such lands, or the right to use, occupy and possess the same, is in such owner under an easement, right or lease for a term of fifty years or more or in perpetuity, then the interest of such owner shall be assessed as real property in the same manner as if such owner held legal title to such lands, except that explanatory notations showing the nature of the interest assessed shall be added to the description of such lands.

2. The classification of any interest enumerated in subdivision one hereof as real property shall not be affected (a) by any provision of the agreement under which the same is created or held or by reason of the fact that the water which is or may be impounded is used in another assessing unit for the development of power or (b) because of nonuse of the dam site.

3. This section shall not apply to the water supply system of any municipal corporation.

§ 570. Advisory valuations of utility real property. Upon the written request of the assessors of any city, town or village having a population of less than ten thousand according to the latest federal census and an assessed valuation of less than ten million dollars, the commissioner shall furnish the full value of the real property therein of a public utility subject to the jurisdiction of the state department of public service. The valuations so furnished shall be for the advice of the assessors and shall not be binding upon them.

§ 572. Employment of experts in connection with assessments of real property. The governing body of any county, city, town or village may employ experts to appraise the value of real property therein for the assistance of the assessors in the assessment of real property and to give expert testimony in any action or proceeding in connection with any such assessment.

§ 574. Information to be furnished by recording officers and assessors. 1. On or before the fifteenth day of each month, the county recording officer or such other officer or agency as may be designated by the county legislative body shall furnish to the assessors of each assessing unit in the county, to the county equalization agency through the office of the county director of real property tax services and to the commissioner a report showing all transfers during the preceding calendar month of real property situated wholly or partly within such assessing unit. Such report shall include transfers of real property or interests in real property to the state by appropriation. It shall be the duty of the state at the time of filing a copy of a description and map of property or interests therein being acquired by appropriation in the office of the duly designated county recording officer, to deliver to and leave with said recording officer a duplicate paper copy thereof. The said county recording officer or another duly designated officer or agency shall include said duplicate copy of the description and map with his said monthly report to the assessors. Such reports shall be made in a form and manner approved by the commissioner and shall contain such information as the commissioner shall prescribe by regulation including (a) the mailing address of the new owner; (b) the tax billing address, if different from the owner; (c) the appropriate tax map designation, if any; (d) a statement of the full sales price as required by section three hundred thirty-three of the real property law; (e) a statement whether the parcel is in an agricultural district and, if so, whether a disclosure notice has been provided pursuant to section three hundred thirty-three-c of the real property law and section three hundred ten of the agriculture and markets law; (f) a statement whether the property described in such deed is the entire parcel owned by the transferor or transferors; (g) a statement that in the event the parcel conveyed by

such deed is a portion of the parcel owned by the transferor or transferors, the city, town or village in which such property is situated has a planning board or other entity empowered to approve subdivisions; (h) a statement that in the event such parcel conveyed by such deed is a portion of the parcel owned by the transferor or transferors and the city, town or village in which said property is located has an entity that is empowered to approve subdivisions and: (i) the parcel conveyed by such deed is not subject to such subdivision approval, and (ii) the parcel is subject to subdivision approval and has been approved by the respective city, town or village planning board or other entity empowered to approve subdivisions. Where the assessor receives a report of a transfer occurring after taxable status date and at least thirty-five days prior to the last date prescribed by law for the annexation of the warrant to the assessment roll, including a warrant for the collection of school district or village taxes, the assessor shall notify the appropriate collecting officer no later than the thirtieth day preceding such last date for such annexation. Such notification shall be in any mutually agreeable format and shall include the names of the new owners, mailing addresses, tax billing addresses and tax map designations contained in the transfer report. Where the assessor receives a report of a transfer occurring after the thirty-fifth day preceding such annexation, the assessor shall notify the appropriate collecting officer within ten days of the receipt thereof; provided, however, that where the assessor receives such report less than five days prior to the expiration of the warrant or after the expiration of the warrant of the appropriate collecting officer, the assessor shall notify the appropriate officer charged by law with the enforcement of delinquent taxes. Such notification shall be in any mutually agreeable format and shall include the names of the new owners, mailing addresses, tax billing addresses and tax map designations contained in the transfer report. The assessor shall also be authorized to send a notice of increased assessment pursuant to section five hundred ten of this chapter to the new owner of real property appearing on the transfer report. In the event that there are no such transfers in an assessing unit, the report shall so indicate. Such reports to the assessors shall be in the number prescribed by the commissioner. The commissioner may require, by regulation, that the report may be copied

and sent to designated officers.

2. Within fifteen days after receiving such reports, the assessors of all assessing units shall transmit notice of any errors contained therein to the commissioner and assessors of cities and towns shall transmit notice of any such errors to the county equalization agency through the office of the county director of real property tax services. The commissioner may require such other additional information relating to real property transfers as may be necessary for the performance of its duties pursuant to this chapter.

3. The county recording officer, or such other officer or agency as the board of supervisors may designate to carry out the provisions of this section, shall not be required to furnish such reports of transfers to the assessors of any city where such reports are prepared and furnished to such city assessors by an officer or agency of the city.

5. Data collected pursuant to this section or section three hundred thirty-three of the real property law shall be made available for public inspection or copying in accordance with rules promulgated by the commissioner, except that where the commissioner and the department of taxation and finance have developed a combined process for collecting data pursuant to paragraph viii of subdivision one-e of section three hundred thirty-three of the real property law, any data so collected which is not required to be furnished to the commissioner by statute or by the commissioner's rules shall not be subject to inspection or copying.

§ 575. Assessor's annual reports. The assessor shall annually file with the commissioner reports which shall include information relating to changes in levels of assessed valuation, changes in the condition and ownership of real property and other information as the commissioner may require by rule and regulation.

§ 575-a. Electric generating facility annual reports. 1. Every

corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating or managing any electric generating facility in the state shall annually file with the commissioner, by April thirtieth, a report showing the inventory, revenue, and expenses associated therewith for the most recent fiscal year, and, in the case of solar and wind energy systems, such other information as the commissioner may reasonably require for the development and maintenance of an appraisal model and discount rate as required pursuant to section 575-b of this chapter. Such report shall be in the form and manner prescribed by the commissioner.

2. When used in this section, "electric generating facility" shall mean any facility that generates electricity for sale, directly or indirectly, to the public, including the land upon which the facility is located, any equipment used in such generation, and equipment leading from the facility to the interconnection with the electric transmission system, but shall not include:

(a) any equipment in the electric transmission system; and

(b) any electric generating equipment owned or operated by a residential customer of an electric generating facility, including the land upon which the equipment is located, when located and used at his or her residence.

3. Every electric generating facility owner, operator, or manager failing to make the report required by this section, or failing to make any report required by the commissioner pursuant to this section within the time specified by it, shall forfeit to the people of the state the sum of up to ten thousand dollars for every such failure and the additional sum of up to one thousand dollars for each day that such failure continues.

§ 575-b. Solar or wind energy systems. 1. The assessed value for solar or wind energy systems, as defined in section four hundred eighty-seven of this chapter, shall be determined by a discounted cash flow approach that includes:

(a) An appraisal model identified and published by the New York state department of taxation and finance, in consultation with the New York state energy research and development authority, within one hundred eighty days of the effective date of this section, and periodically thereafter as appropriate; and

(b) A solar or wind energy system discount rate or rates published annually by the New York state department of taxation and finance; provided that prior to such publication, such discount rate or rates shall be published in preliminary form on the department's website and notice thereof shall be sent to parties who have requested the same. The department shall then allow at least sixty days for public comments to be submitted, and shall consider any comments so submitted and make any changes it deems necessary prior to publishing the final discount rate or rates; and

(c) In the formulation of such a model and discount rate, the New York state department of taxation and finance shall consult with the New York State Assessors Association. Provided, further, in the formulation of such a model and discount rate, the New York state department of taxation and finance shall be authorized to take into account economic and cost characteristics of such solar and wind energy systems located in different geographic regions of the state and consider regionalized market pressures in the formulation of the appraisal model and discount rate required under this section; and

(d) Host community benefit payments made pursuant to part JJJ of chapter fifty-eight of the laws of two thousand twenty, expenses associated with decommissioning of solar and wind energy systems, and community solar subscriber management costs associated with solar energy systems shall be included as expenses; and

(e) Federal investment and production tax credits granted by the Internal Revenue Code and environmental values, including but not limited to, renewable energy credits, shall be deemed intangible assets and not included as revenue streams.

1-a. Notwithstanding any provision of law to the contrary, the solar or wind energy system appraisal model authorized by this section shall be identified, formulated, adopted, published, and updated periodically in the manner provided in this section without regard to the provisions

of article two of the state administrative procedure act.

2. The reports required by section five hundred seventy-five-a of this title shall be designed to elicit such information as the commissioner may reasonably require for the development and maintenance of an appraisal model and discount rate.

3. The provisions of this section shall only apply to solar or wind energy systems with a nameplate capacity equal to or greater than one megawatt.

4. Complaints with respect to assessments determined under this section shall be governed by sections five hundred twelve and five hundred twenty-four of this article and the following provisions:

(a) The assessor shall, upon request, provide the owner with the inputs that he or she entered into the commissioner's appraisal model when valuing the property pursuant to this section.

(b) The property owner may advise the assessor of any alleged errors to the appraisal model inputs believed to have been made by the assessor, and may provide information to the assessor in support of any proposed change to those inputs.

(c) If the property owner provides such information to the assessor prior to the filing of the tentative assessment roll, the assessor may make such adjustments to the appraisal model inputs as he or she deems warranted based upon the information provided by the property owner, and may recalculate the property value by entering the adjusted inputs into the appraisal model.

(d) If dissatisfied with the assessed value appearing on the tentative assessment roll, the property owner may file a complaint with the board of assessment review; provided, however, that the grounds for review of an assessment determined under this section with respect to both article five and article seven of this chapter shall be limited to the accuracy of the appraisal model inputs made by the assessor.

(e) Actions or proceedings that challenge the validity and accuracy of the appraisal model or discount rates established under this section may not be commenced against assessing units. Such challenges may only be brought by commencing an action against the commissioner in the third

department of the appellate division of the supreme court in the manner provided by article seventy-eight of the civil practice law and rules.

5. Any assessing unit establishing valuations on the basis of the model published by the department in two thousand twenty-five, including an assessing unit that has stipulated to rely on such model to settle a proceeding to review an assessment of real property pursuant to article seven of this chapter, shall not be subject to imposition of costs pursuant to section seven hundred twenty-two of this chapter.

§ 576. Assessment under cooperative agreements. 1. A person may be appointed to and hold the office of assessor in more than one city, town, village or combination thereof pursuant to municipal cooperative agreements entered into in accordance with article five-g of the general municipal law or any other similar authorization of law.

2. The commissioner shall advise and assist localities in the development of plans for cooperative action.

3. Whenever a person is assessor of more than one city, town or village or combination thereof, the cost of travel and other actual and necessary expenses incurred by such assessor in attending courses of training and education as may be required by law shall be shared by the city or town or combination thereof in which he is the assessor or for which he has been appointed as assessor for the forthcoming term in proportion to their taxable full values unless otherwise apportioned by agreement between such cities and towns.

§ 578. County assistance under cooperative agreements. 1. The legislative bodies of the counties and the governing boards of the cities, towns, villages and school districts or appropriate officers thereof authorized by such legislative body or governing board, as the case may be, shall have power to enter into contracts with each other for data processing and other mechanical assistance in the preparation of assessment rolls, tax rolls, tax bills and other assessment and

property tax records and for supplies of field books, assessment rolls and other assessment and property tax forms.

2. (a) The legislative body of a county and the governing body of any city, town, village or school district therein shall have the power to enter into contracts with each other for the collection of taxes by the county treasurer. Such an agreement may either authorize the county treasurer to collect taxes jointly and concurrently with the tax collecting officer of such city, town, village or school district, or may delegate to the county treasurer the sole and exclusive authority to collect taxes for such city, town, village or school district. Such an agreement shall be considered a municipal cooperation agreement for purposes of article five-G of the general municipal law and shall be subject to all provisions thereof. Any such agreement shall be approved by both the city, town, village or school district and the county, by a majority vote of the voting strength of each governing body.

(b) An agreement that authorizes the county treasurer to collect taxes jointly and concurrently with the tax collecting officer of such city, town, village or school district shall have no effect upon the tenure, powers or duties of the incumbent tax collecting officer, except that the county treasurer shall also be considered a tax collecting officer of the city, town, village or school district, with all the powers and duties thereof. In no case shall such an agreement be construed to empower the tax collecting officer of a city, town, village or school district to collect taxes that have been returned to the county treasurer as unpaid.

(c) An agreement that delegates to the county treasurer the sole and exclusive authority to collect taxes for such city, town, village or school district shall have the effect of making the county treasurer the sole tax collecting officer of such city, town, village or school district, and of abolishing the separate office of tax collecting officer in such city, town, village or school district, for as long as the agreement shall be in effect. Provided, however, that if the office to be abolished is elective, the agreement shall be submitted for the approval of the electors of the contracting city, town or village in the manner provided by section twenty-three of the municipal home rule law. Provided further, that such an agreement shall not take effect during

the term of an incumbent tax collecting officer, unless the office should become vacant prior to the expiration of such term. Upon the termination of such an agreement, the office of tax collecting officer shall be deemed reestablished as an appointive office of the city, town, village or school district, unless such office has been abolished or its functions transferred to another officer pursuant to law.

§ 579. Coordinated assessment programs. 1. Establishment of program. Two or more assessing units, except villages, within the same county or adjoining counties may establish a coordinated assessment program, without referendum, by entering into an agreement meeting the criteria set forth in this section at least forty-five days before the taxable status date of the first assessment roll to which such program is to apply. Any agreement entered into hereunder shall be approved by each participating assessing unit by a majority vote of the voting strength of its governing body. A copy of each such agreement shall be filed with the commissioner on or before such taxable status date. As used in this section, the term "voting strength" has the meaning set forth in section one hundred nineteen-n of the general municipal law.

2. Types of agreements. (a) Coordinated assessment programs with direct county involvement. Two or more assessing units, except villages, within the same county may establish a coordinated assessment program by entering into an agreement with the county pursuant to subdivision four of section one thousand five hundred thirty-seven of this chapter, which provides for the county to provide assessment services to all of the participating assessing units, and which contains the additional provisions set forth in this section.

(b) Coordinated assessment programs without direct county involvement. Two or more assessing units, except villages, within the same county or adjoining counties may establish a coordinated assessment program by jointly entering into a municipal cooperative agreement between or among themselves pursuant to section five hundred seventy-six of this title and article five-G of the general municipal law, which provides for a single assessor to be appointed to hold the office of assessor in all the participating assessing units, and which contains the additional

provisions set forth in this section.

(c) No agreement pursuant to this section may be entered into by an assessing unit which has retained elective assessors.

2-a. When an assessing unit is required to change its assessment calendar in order to comply with the requirements of paragraph (c) of subdivision three of this section, the establishment of the coordinated assessment program shall be deemed contingent upon the implementation of the required assessment calendar changes pursuant to law.

3. Additional provisions. In addition to any other requirements of law, an agreement for a coordinated assessment program shall provide for the following:

(a) Single assessor. Effective no later than sixty days after the date on which the agreement is effective, the same individual shall be appointed to hold the office of the assessor in all of the assessing units participating in the coordinated assessment program. The term of office of such assessor shall be such term as set forth in section three hundred ten of this chapter. Upon the expiration of the term of the assessor so appointed, or in the event that the assessor so appointed shall resign or otherwise be unable to remain in office, a single individual shall be appointed to succeed him or her in all the participating assessing units.

(b) Standard of assessment. Effective with the first assessment roll produced pursuant to this section, all real property shall be assessed at the same uniform percentage of value in all of the assessing units participating in the coordinated assessment program throughout the term of the agreement. Such percentage may be expressly prescribed by the agreement.

(c) Assessment calendar. The dates applicable to the assessment process in each participating assessing unit, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be as provided in this article and article three of this chapter.

4. Modifications of existing programs. (a) Addition of new participants. An agreement for a coordinated assessment program may be

amended to add one or more eligible assessing units to the program. The amended agreement shall be approved in the same manner as an original agreement; provided that the amended agreement must be approved at least forty-five days before the taxable status date of the first assessment roll to which the amended agreement is to apply. A copy of the amended agreement shall be filed with the commissioner on or before such taxable status date.

(b) Withdrawal of participants. An assessing unit may withdraw from a coordinated assessment program by local law or resolution; provided, however, that the local law or resolution providing for the withdrawal must be approved by a majority of the voting strength of its governing body at least forty-five days before the taxable status date of the first assessment roll to which it is to apply and filed with the commissioner on or before such taxable status date. Upon the withdrawal of an assessing unit from a coordinated assessment program, the agreement between or among the remaining participants shall be deemed amended to remove any references to the assessing unit that has withdrawn.

(c) Termination of program. A coordinated assessment program may be terminated (i) by the adoption of local laws or resolutions providing for the termination of the program by at least fifty percent of the participating assessing units; or (ii) in the case of a program with direct county involvement, by the adoption by the county of a local law or resolution providing for the termination of the program; provided, however, that in either case the local laws or resolutions providing for the termination must be approved by a majority of the voting strength of its governing body at least forty-five days before the taxable status date of the first assessment roll to which it is to apply and filed with the commissioner on or before such taxable status date.

(d) Automatic termination of program. A coordinated assessment program shall be automatically terminated in the event the commissioner becomes aware, on or before the taxable status date of the assessment roll to which such program applies, that the same individual is no longer serving as assessor in all of the assessing units that comprise a coordinated assessment program.

(e) Continuation of program. A coordinated assessment program shall be deemed to continue unless it is so terminated pursuant to paragraphs (c)

or (d) of this subdivision.

5. Equalization. In addition to the provisions set forth in article twelve of this chapter, state equalization for assessing units participating in a coordinated assessment program shall be subject to the following:

(a) Market value surveys. For any market value survey commenced after the first assessment roll produced pursuant to this section, the commissioner shall conduct a common market value survey including all the assessing units participating in the program, using data collected pursuant to subdivision three of section twelve hundred of this chapter.

(b) Equalization rates. The commissioner shall establish the same equalization rate which is to be applicable to all of the assessing units participating in a coordinated assessment program. Equalization rates shall be established in accordance with the provisions of this section beginning with the first assessment roll prepared by the coordinated assessment program. If the commissioner is unable to establish an equalization rate prior to the levy of taxes on the first assessment rolls prepared for a coordinated assessment program, the commissioner shall establish special equalization rates as follows:

(i) For the apportionment of school taxes pursuant to article thirteen of this chapter, such rate shall be the quotient of the aggregate total assessed value of taxable real property on the assessment rolls completed by the assessing units in the year prior to the first assessment rolls of the coordinated assessment program divided by the aggregate full value estimate for the assessment rolls of the participating municipalities in the coordinated assessment program as established in the market value survey with the same full value standard as the other special equalization rates certified by the commissioner for that apportionment; this quotient shall be adjusted for a material change in level of assessment occurring on the first assessment rolls of the coordinated assessment program.

(ii) For the apportionment of county taxes pursuant to title two of article eight of this chapter, such rate shall be the quotient of the aggregate total assessed value of taxable real property on the assessment rolls completed by the assessing units in the year prior to the first assessment rolls of the coordinated assessment program divided

by the aggregate full value estimate for the assessment rolls of the participating municipalities in the coordinated assessment program as established in the market value survey with the same full value standard as the other county equalization rates certified by the commissioner for that apportionment; this quotient shall be adjusted for any change in level of assessment occurring on the first assessment rolls of the coordinated assessment program.

(c) Administrative review. (i) If an assessing unit participating in a coordinated assessment program files a complaint with the commissioner against a tentative equalization rate, it shall simultaneously, in addition to any other requirement, serve a copy of its complaint upon all the other assessing units participating in the coordinated assessment program. Where such a complaint has been filed, the assessor shall be authorized to provide the specific parcel objections in support of the complaint.

(ii) If an assessing unit participating in a coordinated assessment program should wish to support, object to, or express an opinion on a complaint filed by another assessing unit participating in the program, it shall have the right to file written statements with the commissioner on or before the date on which the complaint is scheduled to be heard. Simultaneously, a copy of any such statements shall be served by that assessing unit upon all the other participating assessing units.

(iii) Any change made to the tentative equalization rate as a result of administrative review shall apply to all of the participating assessing units.

(d) Judicial review. If an assessing unit participating in a coordinated assessment program petitions for judicial review of a final equalization rate, a copy of its petition shall simultaneously be served by that assessing unit upon the other participating assessing units. Any change made to the final equalization rate as a result of such judicial review shall apply to all of the participating assessing units.

(e) Where the commissioner prepares the same equalization rate for participating municipalities pursuant to this subdivision, in conducting the market value survey pursuant to article twelve of this chapter, the commissioner may treat the coordinated assessment program as a single survey unit.

6. Rules. The commissioner may promulgate such rules as may be necessary to implement the provisions of this section.

§ 580. Condominiums. Condominiums shall be assessed in the manner set forth in section three hundred thirty-nine-y of the real property law.

§ 581. Assessment of residential cooperative, condominium and rental property. 1. (a) Notwithstanding any other provision of law, real property owned or leased by a cooperative corporation or on a condominium basis shall be assessed for purposes of this chapter at a sum not exceeding the assessment which would be placed upon such parcel were the parcel not owned or leased by a cooperative corporation or on a condominium basis.

(b) The provisions of paragraph (a) of this subdivision shall not apply to such real property classified within:

(i) on and after January first, nineteen hundred eighty-six, class one of section one thousand eight hundred two of this chapter; or

(ii) on and after January first, nineteen hundred eighty-four, the homestead class of an approved assessing unit which has adopted the provisions of section one thousand nine hundred three of this chapter, or the homestead class of the portion outside an approved assessing unit of an eligible split school district which has adopted the provisions of section nineteen hundred three-a of this chapter; provided, however, that, in an approved assessing unit which adopted the provisions of section one thousand nine hundred three of this chapter prior to the effective date of this subdivision, paragraph (a) of this subdivision shall apply to all such real property (i) which is classified within the homestead class pursuant to paragraph one of subdivision (e) of section one thousand nine hundred one of this chapter and (ii) which, regardless of classification, was on the assessment roll prior to the effective date of this subdivision unless the governing body of such approved assessing unit provides by local law adopted after a public hearing, prior to the taxable status date of such assessing unit next occurring after December thirty-first, nineteen hundred eighty-three, that such

paragraph (a) shall not apply to such real property to which this clause applies.

(c) The provisions of paragraph (a) of this subdivision shall not apply to a converted condominium unit in a municipal corporation, other than a special assessing unit, which has adopted, prior to the taxable status date of the assessment roll upon which its taxes will be levied, a local law or, for a school district, a resolution providing that the provisions of paragraph (a) of this subdivision shall not apply to converted condominium units within that municipal corporation. A converted condominium unit for purposes of this paragraph shall mean a dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership, and has not been previously subject to the provisions of paragraph (a) of this subdivision.

(d) The provisions of paragraph (a) of this subdivision shall not apply to real property owned or leased by a cooperative corporation or on a condominium basis in the Town of Greenburgh, in Westchester County, which has adopted, prior to the taxable status date of the assessment roll upon which its taxes will be levied, a local law providing that the provisions of paragraph (a) of this subdivision shall not apply to such real property within such town; provided, however, the provisions of this paragraph shall not apply to real property owned or leased by a cooperative corporation or on a condominium basis that had been previously subject to the provisions of paragraph (a) of this subdivision prior to January first, two thousand twenty-three; provided further, however, the provisions of this paragraph shall not apply to real property owned or leased by a cooperative corporation or on a condominium basis that is participating in an affordable housing tax credit program or has a regulatory agreement with a federal, state, or local agency related to affordable housing requirements.

2. Real property owned or leased by a cooperative corporation or on a condominium basis which is located in an approved assessing unit, or which is not located in an approved assessing unit but which is located in an eligible split school district which has adopted the provisions of section nineteen hundred three-a of this chapter, and is not subject to the provisions of paragraph (a) of subdivision one of this section,

shall be assessed pursuant to the provisions of this subdivision.

(a) The assessor of an assessing unit in which such real property is located shall compute an assessment which would be placed on such parcel were the parcel not owned or leased by a cooperative corporation or on a condominium basis, which value shall be known as the restricted assessed valuation.

(b) The assessor of such assessing unit in which such real property is located shall compute an assessment which would be placed on such parcel without regard to the restrictions found in paragraph (a) of this subdivision or section three hundred thirty-nine-y of the real property law, which value shall be known as the assessed valuation.

(c) The assessor of such assessing unit shall enter the assessed valuation on the assessment roll of such assessing unit and the restricted assessed valuation in a separate column of the assessment roll of such assessing unit.

(d) A municipal corporation which levies taxes pursuant to article nineteen of this chapter shall levy such taxes against the assessed valuation of such parcels for taxes imposed by or on behalf of such municipal corporation.

(e) A municipal corporation which does not levy taxes pursuant to article nineteen of this chapter shall levy such taxes against the restricted assessed valuation of such parcels for taxes levied by or on behalf of such municipal corporation.

3. Notwithstanding any other provision of law, real property occupied for residential purposes on a rental basis (as distinct from a cooperative or condominium basis) shall be assessed without regard to the value the property might have if converted to a cooperative or condominium basis or if sold or owned for the purpose of such a conversion.

4. For the purposes of this section, the term "cooperative corporation" shall include any corporation organized under any special or general law of this state, including, but not limited to, the business corporation law, the cooperative corporations law, the not-for-profit corporation law, and the private housing finance law, or the predecessor statutes thereof, primarily for providing housing

accommodations to its stockholders or members and which is, or is to be, operated for the benefit of the persons or families who are entitled to occupancy by reason of ownership of stock or membership in the corporation.

§ 581-a. Assessment of residential real property. Notwithstanding any other provision of law, the assessed valuation of real property used for residential rental purposes where at least twenty percent of the residential units are subject to an agreement with a municipality, the state, the federal government, or an instrumentality thereof, which agreement restricts occupancy of those units to tenants who qualify in accordance with an income test, shall be determined using the income approach as applied to the actual net operating income, after deducting for reserves required by any federal, state or municipal programs. For the purposes of this section "net operating income" shall mean the actual or anticipated net income that remains after all operating expenses are deducted from effective gross income, but before mortgage debt service and book depreciation are deducted. The assessed valuation of real property used for such residential rental purposes shall be determined using the actual net operating income, and shall not include federal, state or municipal income tax credits, subsidized mortgage financing, or project grants, where such subsidies are used to offset the project development cost in order to provide for lower initial rents as determined by regulations promulgated by the division of housing and community renewal.

§ 581-b. Assessment of parcels used for residential purposes and registered as family day care homes. Notwithstanding any inconsistent provision of law, in the assessment of any parcel used for residential purposes and registered as a family day care home pursuant to section three hundred ninety of the social services law, the use or registration of such parcel as a family day care home shall be completely disregarded in assessing the value of such parcel.

§ 582. Valuation of agricultural structures. Structures used on land used in agricultural production located within an agricultural district and/or on property receiving an agricultural assessment as provided in article twenty-five-AA of the agriculture and markets law shall be assessed at an amount not to exceed the cost of replacement new at current prices less a deduction for physical depreciation calculated in accordance with the assessor's manual distributed by the office of real property services, and if applicable, functional and economic obsolescence. For the purpose of this section, structures shall be defined as those used:

1. For the production or storage of crops, livestock, or livestock products as defined in section three hundred one of the agriculture and markets law;

2. For the storage of equipment and/or supplies used in such production;

3. In whole or in part as farm labor dwellings, except for structures which are used as the principal residence of the owner of such structure; or

4. For on farm processing or on farm retail merchandising, so long as at least seventy-five percent of the annual volume of such processing or such merchandising utilizes crops, crop products, livestock or livestock products, as defined in section three hundred one of the agriculture and markets law, produced on such land owned or operated by such applicant.

§ 582-a. Value of lands and structures supporting non-residential water dependent activities. 1. Notwithstanding any other provision of law, real property owned or leased for non-residential water dependent activities shall be assessed for the purposes of this chapter at a sum reflecting the current use of such lands, and shall not be assessed at a rate that reflects the best possible use of those lands, for as long as those non-residential activities remain of a water dependent nature.

2. For the purposes of this section, "structures" shall be defined as those structures used:

(a) Within a marine district as provided in the coastal zone management local waterfront revitalization program under article forty-two of the executive law, or within a state approved comprehensive harbor management plan, as defined in subdivision ten of section nine hundred eleven of the executive law;

(b) On lands under lease from the state or the thruway authority for non-residential purposes considered to support water dependent activities;

(c) For the purpose of berthing and mooring of recreational vessels, and the storage thereof, or a boatyard, marine service facility, charter or sports fishing station, bait and fuel operations, marine towing; and

(d) For any other non-residential purpose that requires the use of waterfront lands in order to function or provide marine services.

TITLE 4-A

ASSESSMENT AND TAXATION OF WATERSHED CONSERVATION EASEMENTS AND WATERSHED

AGRICULTURAL EASEMENTS ACQUIRED BY OR ON BEHALF OF THE CITY OF NEW YORK FOR WATERSHED PROTECTION PURPOSES

Section 583. Definitions.

584. Taxation of watershed conservation easements and watershed agricultural easements.

585. Taxation or exemption of watershed agricultural easements.

586. Assessment of watershed conservation easements and watershed agricultural easements.

587. List of watershed conservation easements and watershed agricultural easements.

588. Payment of taxes on parcels subject to a watershed conservation easement or watershed agricultural easement.

589. Change in allocation factor.

589-a. Authority to promulgate rules.

§ 583. Definitions. As used in this title:

1. "City" means the city of New York.

2. "Tax", "taxes" and "taxation" mean a charge imposed on real property by or on behalf of a county, city, town, village, or school district for municipal or school district purposes, and any special ad valorem levy or special assessment.

3. "Watershed agricultural easement" means a watershed conservation easement which allows the land subject to such easement to be utilized in agricultural production.

4. "Watershed conservation easement" means an easement, covenant, restriction or other interest in real property purchased by or on behalf of the city of New York that is located in those areas of the counties of Delaware, Dutchess, Greene, Putnam, Schoharie, Sullivan, Ulster and Westchester located in the watershed of the New York city water supply, created under and subject to the provisions of article forty-nine of the environmental conservation law which, for the purpose of maintaining the open space, natural condition, or character of the real property in a manner consistent with the protection of water quality generally and the New York city water supply specifically, limits or restricts development, management or use of such real property.

§ 584. Taxation of watershed conservation easements and watershed agricultural easements. Any watershed conservation easement shall be subject to taxation for all purposes except as hereafter provided. A watershed agricultural easement shall be subject to taxation as provided in section five hundred eighty-five of this title. The procedures set forth in this title shall govern the levy and payment of taxes on watershed conservation easements and watershed agricultural easements.

§ 585. Taxation or exemption of watershed agricultural easements. 1.

Any watershed agricultural easement acquired before January first, two thousand eleven shall be exempt from taxation on any assessment roll on which the land subject to the easement qualifies for and receives an agricultural assessment pursuant to article twenty-five-AA of the agriculture and markets law.

2. Any watershed agricultural easement that burdens land which does not receive an agricultural assessment pursuant to article twenty-five-AA of the agriculture and markets law or which is acquired on or after January first, two thousand seventeen shall be subject to taxation for all purposes. The taxes levied on such easement shall be levied as provided in this title.

§ 586. Assessment of watershed conservation easements and watershed agricultural easements. 1. Upon acquisition of a watershed conservation easement or a watershed agricultural easement, there shall be determined an allocation factor applicable to each parcel subject to such easement. The allocation factor shall be the portion of the value of each parcel which the easement represents, expressed as a percentage. This percentage shall be a fraction, the numerator of which is the fair market value of the easement as finally determined by the city's independent appraisal and the denominator of which is the fair market value of the land subject to the easement, exclusive of improvements and unencumbered by the easement, as finally determined in the city's independent appraisal. The city shall forthwith certify each such allocation factor to the appropriate assessing unit and to the owner of the land subject to the easement. The city shall supply to the assessing unit and the commissioner the following information used in conjunction with the acquisition of the easement:

(a) the fair market value of the easement as finally determined in the city's independent appraisal;

(b) the fair market value of the land subject to the easement exclusive of improvements and unencumbered by the easement as finally determined in the city's independent appraisal;

(c) the fair market value of each improvement, on the land subject to the easement, as finally determined by the city's independent appraisal;

- (d) the name and address of the owner;
- (e) the location of the parcel including the tax map parcel designation;
- (f) the date the easement was acquired; and
- (g) such other information as the assessor may subsequently require for assessment purposes.

2. The assessment of a watershed conservation easement or watershed agricultural easement shall be determined by multiplying the allocation factor for that easement as computed in subdivision one of this section by the assessment determined by the assessor for the land subject to such easement exclusive of the improvements thereon. After subtracting the assessment for each watershed conservation easement or watershed agricultural easement from the parcel's total assessment, the remaining assessment shall be entered on the assessment roll as taxable to the owner of the property. Each watershed conservation easement or watershed agricultural easement, whether it encumbers the entire parcel or only a portion thereof, shall be entered as a separate parcel on the taxable portion of the assessment roll and shall be assessed in the name of the city of New York.

3. Not later than twenty days prior to the date provided by law for the completion of the tentative assessment roll in any assessing unit in which watershed conservation easements or watershed agricultural easements are subject to taxation, but in no event any earlier than the taxable status date for such roll, the assessor shall notify the city of the amount of the assessments of such easements and the amount of the assessments of the lands subject to such easements. In the case of a village which has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, the town or county assessor, who prepared a copy of the applicable part of the town or county assessment roll for village tax purposes, shall also notify the city of the amount of the assessments of such easements and the amount of the assessments of the lands subject to such easements located within the village.

4. The city and the owner of the burdened parcel shall each be a

person aggrieved by the assessment of the parcel or parcels burdened by watershed conservation easements or watershed agricultural easements for the purpose of seeking administrative and/or judicial review of such assessments. Whenever the city or property owner seeks administrative or judicial review of the assessment of the land subject to such easement, the party seeking review shall provide a copy of the complaint or petition to the other party with an interest in the parcel subject to the easement within twenty days of the filing of a complaint or the service of a petition. The noncomplaining party (owner or city) shall be deemed a party to the proceeding with full rights to participate and bound by the determination of such proceeding.

5. (a) Where a watershed conservation easement or agricultural conservation easement is acquired:

(i) On a parcel of property which is otherwise fully exempt from taxation, the assessor shall determine the taxable assessed value of the easement by multiplying the allocation factor by the total assessed value of the land; or

(ii) On a parcel of property which is partially exempt from taxation, the assessor shall determine the taxable assessed value of the easement by multiplying the allocation factor by the total assessed value of the land; or

(iii) On a parcel of property which is partially exempt from taxation, the taxable assessed value of the burdened parcel shall be calculated by pro-rating the partial exemption in the same proportion as the allocation factor. The owner of the burdened parcel shall be entitled to the pro-rated portion of the exemption.

(b) The provisions of this subdivision shall not apply to watershed agricultural easements as described in subdivision one of section five hundred eighty-five of this title or to parcels burdened by such easements.

6. Whenever a watershed conservation easement or watershed agricultural easement encumbers a parcel containing improvements, those improvements shall be separately assessed in the name of the owner thereof.

§ 587. List of watershed conservation easements and watershed agricultural easements. The city shall annually transmit to the commissioner, to the assessors of each assessing unit in which the city has acquired watershed conservation easements and watershed agricultural easements, and to town or county assessors, who prepare a copy of the applicable part of the town or county assessment roll for village tax purposes as provided in subdivision three of section fourteen hundred two of this chapter, for each such village in which such easements have been acquired, a list of all such easements therein. Such list shall be used by the assessors in preparing the assessment roll or, for village tax purposes the copy of the applicable part, and shall include the appropriate allocation factor or factors, and each such easement shall be entered as a separate parcel on the tentative assessment roll by the assessor.

§ 588. Payment of taxes on parcels subject to a watershed conservation easement or watershed agricultural easement. 1. The city shall pay taxes levied on watershed agricultural easements and watershed conservation easements pursuant to the foregoing sections of this title in the same manner as any other taxes levied upon real property.

2. Payment of taxes by the owner of a parcel burdened by a watershed conservation easement or watershed agricultural easement made taxable pursuant to this title based upon the assessment of the parcel without consideration of that easement shall entitle that owner to a refund pursuant to section five hundred fifty-six of this article, equal to any taxes payable by the city upon such easement. Such owner shall present the certificate issued pursuant to this section and proof of payment to the tax levying body.

§ 589. Change in allocation factor. 1. At any time after the allocation factor is initially certified to the assessing unit, upon the request of the city or the owner of the parcel burdened by the easement, the commissioner may compute and certify a new allocation factor based

on a change in circumstances. A request for a review of the allocation factor shall be made by submitting to the commissioner (a) a written request by the landowner, (b) a written request by the city setting forth the claimed change in circumstances, (c) a written stipulation entered into by the city and the landowner setting forth the new allocation factor, or (d) an appraisal or appraisals performed by a licensed real estate appraiser within one year of submission setting forth the current fair market value of the easement and the current fair market value of the land subject to the easement exclusive of improvements and unencumbered by the easement. The commissioner shall define the changes in circumstances required to change the allocation factor. The party seeking the change in allocation factor shall provide copies of the appraisals and written request to the other party.

2. If one party objects to a change in the allocation factor, the party may submit the appraisals specified in subdivision one of this section within ninety days of receipt of the other parties' appraisal or written request.

3. The commissioner shall review the materials submitted and issue a current allocation factor determined by the materials submitted.

4. If judicial review is sought to challenge a determination under this section, the action shall be commenced in the county in which the real property is located.

§ 589-a. Authority to promulgate rules. In addition to any other authority conferred upon the commissioner by statute, the commissioner is hereby authorized to promulgate rules and mandate the use of forms to implement the provisions of this title.

TITLE 5

OIL AND GAS ECONOMIC UNITS

Section 590. Definitions.

592. Determination of unit of production values.

- 593. Oil and gas charges.
- 594. Assessment of oil and gas economic units.
- 595. Reporting to assessors.
- 596. Taxable status; judicial review.
- 597. Confidentiality.

§ 590. Definitions. 1. "Economic profile" means a net cash flow analysis of a financial summary of an average or typical oil or gas economic unit, based upon average or typical income and expense items pertaining to one or more oil or gas economic units of one or more producers.

2. "Economic unit" means all the real property subject to taxation and assessed pursuant to this title associated with the exercise of oil and gas rights, including the unextracted oil and gas, oil and gas rights and any and all equipment, fixtures and pipeline, regardless of size, length or pressure rating necessary to drill, mine, operate, develop, extract, produce, collect, deliver or sell the oil or gas to a point of sale to a commercial purchaser or the pipeline or equipment of a user, including wells, well-head equipment, pipes, compressor stations, related equipment and buildings used to store equipment. Each economic unit may include either a single well and the associated property, or a group of wells and the associated property under common ownership and operated as a unit. No economic unit shall extend beyond the point of sale or where the gas or oil is delivered to the pipe or equipment of a user, nor shall an economic unit include special franchise property, or the percentage of any pipe, pipelines, equipment or fixtures such as cogeneration equipment, which generates income from activity which is not associated with or necessary for the extraction, collection, delivery and sale of oil and gas from the economic unit to a user or commercial purchaser.

3. "Oil and gas rights" means any right to drill, mine, operate, develop, extract, produce, collect, deliver or sell oil or gas located on or below real property.

4. "Producer" means any person, partnership, corporation or other association or entity owning or operating the working interest in any oil or gas property.

5. "Production year" means the calendar year immediately preceding the applicable taxable status date, except that for final city assessment rolls required to be filed between January first and May first, inclusive, and for all final village assessment rolls, production year means the second calendar year preceding the applicable taxable status date.

6. "Unit of production value" means the value established by the commissioner for purposes of this title for each barrel of oil or thousand cubic feet of gas produced in the production year.

7. "Exercise of oil and gas rights" means the act or acts of drilling, mining, operating, developing, extracting, producing, collecting, delivering or selling oil or gas located on or below real property and such other acts as are deemed necessary and appropriate for the proper operation and development of oil and gas wells.

§ 592. Determination of unit of production values. 1. (a) The commissioner shall annually develop one or more economic profiles for gas and one or more economic profiles for oil for use in the determination of unit of production values. The establishment of more than one economic profile for either gas or oil shall be based upon common factors such as geologic formation, geographic region, economic and cost characteristics of such profiles and such other criteria as the commissioner may deem appropriate.

(b) At least forty-five days prior to the tentative roll date each year, the commissioner shall establish a tentative unit of production value for each economic profile and shall provide to appropriate local officials and industry representatives notice of the tentative unit of production values. The commissioner shall conduct at least one public hearing to receive comments on the tentative unit of production values. At least fifteen days prior to the tentative roll date, the commissioner

shall certify to each assessor appropriate unit of production values for use in the assessment of oil and gas economic units.

(c) Unit of production values shall be based upon the average of typical income, expense and operating data for five consecutive calendar years beginning with the sixth calendar year preceding the year in which the unit of production values are to be certified. In determining unit of production values, the commissioner shall use a discounted net cash flow approach in which gross income shall be reduced by the following: operating expenses; landowner royalty payments, which the commissioner shall deem to be the value of one-eighth of the economic unit's production; and other costs, if any, such as overriding royalty interests not retained by the owners of the working interest, additional capital investment required, depletion and depreciation. In determining the unit of production values, the minimum discount rate or rates applied by the commissioner shall be the sum of (1) the average of the discount rates established by the United States federal reserve board on the first business day of each month for each of the five calendar years upon which the economic profiles are based and that precede the year in which the unit of production values are to be certified, plus (2) a seventeen and one-half percent factor to account for risk, nonliquidity, management, real property taxes, intangible drilling costs and income taxes.

2. For the purpose of developing economic profiles and determining discounted net cash flow, the commissioner may require producers to submit statements of income and expenses related to the economic units for five consecutive calendar years beginning with the sixth calendar year preceding the year in which the unit of production values are to be certified. Such statements of income and expenses shall consist of information usually kept in the ordinary course of business. This subdivision is not applicable to producers of one thousand barrels of oil or two hundred million cubic feet of gas per year or less.

3. The commissioner shall promulgate rules establishing the methodology for determining unit of production values pursuant to subdivision one of this section. Such rules shall include a description of the economic data to be compiled, the method for their compilation

and a delineation of the process to be followed in applying the discounted net cash flow methodology. Such rules shall provide that, subject to the availability of suitable economic data, the establishment of unit of production values shall take into account and reflect varying economic and operating conditions and characteristics.

*** § 593. Oil and gas charges.** 1. Each year the state office shall charge producers for the establishment of unit of production values. The amount of such charge to each producer shall be determined according to the following schedules, provided, however, that in no case shall a charge be made against any tax exempt organization.

Schedule A

Natural Gas Producers

Thousand Cubic Feet of Gas	Fee
1,000,000 or more	\$3,000
500,000 - 999,999	2,000
250,000 - 499,999	1,000
100,000 - 249,999	650
50,000 - 99,999	175
10,000 - 49,999	60
1,000 - 9,999	25

Schedule B

Oil Producers

Barrels of Oil Produced	Fee
20,000 or more	\$600
10,000 - 19,999	300
1,000 - 9,999	150
1 - 999	25

2. The production used to determine such charge shall be the latest production reported by the producer to the department of environmental conservation immediately preceding the date on which the department is required to furnish the governor with estimates and information pursuant to section one of article seven of the constitution. The charge shall constitute a lien upon all real property used in production during the

production year and may be enforced by appropriate administrative and judicial proceedings commenced by counsel to the state office.

* NB Repealed March 31, 2027

§ 594. Assessment of oil and gas economic units. 1. Oil and gas economic units shall be assessed only in the manner provided in this title. Notwithstanding the provisions of subdivision two of section five hundred two of this article, oil and gas economic units shall be assessed in the name of the producer and shall be described on a separate subsection of the taxable section of the assessment roll by such identifying characters as the commissioner may prescribe by rule. For purposes of assessments under this title a producer may certify to each assessor the address to which the assessment for an economic unit and the notice pursuant to subdivision one of section five hundred ninety-five of this title shall be sent.

2. Upon receipt of the appropriate unit of production values certified by the commissioner, each assessor shall compute and determine, in accordance with rules promulgated by the commissioner, the assessed value of oil and gas economic units located in that assessing unit. Any local officers, including school authorities, having custody and control of the assessment roll when final unit of production values are certified by the commissioner, shall make the changes, if any, occurring as a result of such certification. Except as otherwise provided for in this subdivision and subdivision three of this section, oil and gas economic units shall be assessed as follows: multiply (1) the appropriate unit of production value; times (2) the amount of production from that economic unit in the production year; times (3) the latest state equalization rate or special equalization rate, except that where such rate exceeds or would exceed one hundred, a special equalization rate of one hundred percent shall be established by the commissioner for purposes of this section. The value of all elements in an oil and gas economic unit shall be deemed to be included in the value of such economic unit and shall not be separately assessed. Assessment of gas economic units shall be based on actual measured annual production during the life of the well or wells in that unit even though such

annual production may be non-existent due to non-connection, non-completion, shut-in or other circumstances which prevent production of oil and/or gas. Annual production of the economic unit shall be based on the production year. The foregoing notwithstanding, upon the exercise of gas rights, each gas economic unit shall be subject to a minimum assessment for two one year periods based on a minimum annual production equivalent of two million four hundred thousand cubic feet. Such minimums shall be applied during the life of the well in consecutive or nonconsecutive years, whenever such well has an annual production of less than two million four hundred thousand cubic feet. Upon completion of the second year minimum tax assessment, a gas economic unit shall be assessed on actual measured annual production of gas. For purposes of assessing gas economic units, no minimum assessment shall be applied to any gas economic unit existing on or before January first, nineteen hundred eighty-six and such economic units shall be assessed only on actual measured annual production. Oil economic units shall be assessed on the basis of actual measured annual production.

3. Economic units including oil and gas rights contained therein shall not be eligible for any exemption from taxation except as provided in the following circumstances:

(a) Oil and gas rights and other elements of economic units shall be exempt from taxation if owned by a school district or board of cooperative educational services;

(b) Oil and gas rights and other elements of economic units shall be exempt from taxation if owned by an organization whose property is exempt from taxation pursuant to section four hundred twenty-a of this chapter, except that such property shall be taxable to the extent that the oil and gas produced is sold rather than used by the owner, regardless of the use to which the revenues are devoted;

(c) Unless a local law, ordinance or resolution has been adopted pursuant to paragraph (a) of subdivision one of section four hundred twenty-b of this chapter, oil and gas rights and other elements of economic units shall be exempt from taxation if owned by an organization whose property is exempt pursuant to such section four hundred twenty-b, except that such property shall be taxable to the extent that the oil and gas produced is sold rather than used by the owner, regardless of

the use to which the revenues are devoted; and

(d) Oil and gas rights and other elements of economic units shall be exempt from taxation if the gas produced in the economic unit is collected from a landfill or used to power farm waste energy systems or farm waste electric generating equipment, as such term is defined in section sixty-six-j of the public service law. Such exemption shall apply to property on assessment rolls based on taxable status dates occurring on or before December thirty-first, two thousand seventeen.

4. Where an oil or gas economic unit is located within more than one assessing unit, the appropriate county director or county directors shall certify to the assessors the percentage of capital investment in property located within each such assessing unit. The assessor shall apportion the assessment of economic units among school districts and special districts based upon the percentage of capital investment located within each such district.

§ 595. Reporting to assessors. 1. No less than sixty days before the taxable status date, the assessor shall cause to be sent, by registered or certified mail, a notice to each known producer, setting forth the provisions of this subdivision and stating that producers are required to report annual production pursuant to this title and that a true and accurate copy of the production report for the production year required to be filed with the department of environmental conservation must be provided to the assessor forty-five days before the tentative roll date. Such notice shall also contain the tentative roll date on or before which the production data is due, and the name and complete address of the responsible office, person or agency to whom such production report data shall be provided. If such notice is provided but the producer does not so comply, this title shall not be applicable to the property of that producer.

2. Each oil and/or gas producer shall report to each appropriate assessor the total amount of oil and gas produced in the production year from each oil and gas well and the physical structures and buildings within the economic unit or units that the producer considers to be part

of the economic unit or units for assessment under this title. Physical structures and buildings designated by the producer and accepted by the assessor to be a part of the economic unit shall be assessed as part of the economic unit pursuant to this title and not separately under other provisions of this chapter.

3. If requested by the assessor, each producer shall submit to the assessor, maps or other information reasonably indicating the location of gas and oil wells, pipeline and other equipment and fixtures. In lieu of submitting the foregoing information a producer may refer and direct the assessor to any local government authority, including a town or village municipality, where such or similar information has already been filed or supplied to such authorities.

4. The local government official who receives notice from the producer, pursuant to subdivision thirteen of section 23-0305 of the environmental conservation law, of the issuance of drilling permits and location of the drilling site, shall promptly provide a copy of each such notice received to the assessor.

5. (a) Notwithstanding the provisions of paragraph f of subdivision eight of section 23-0305 of the environmental conservation law, the commissioner of the department of environmental conservation shall, on or before April first of each year or as soon thereafter as possible, provide to each county director of real property tax services a copy of each production report received by the department relating to production in that county in the applicable production year, or a compilation of such information in a form usable for purposes of this title. The commissioner shall also provide to each county director of real property tax services, on or before April first of each year or as soon as possible thereafter a list identifying and containing all oil and gas drilling well permits, if any, issued by the department during the immediate preceding calendar year for each affected county. Information provided by the commissioner pursuant to this subdivision shall not be subject to the provisions of article six of the public officers law (the freedom of information law), and no person shall disclose or otherwise make known any such information submitted by the department, except in

an administrative or judicial proceeding to review a unit of production value or the assessment of an oil or gas economic unit only after providing twenty days written notice to the producer whose information is the subject of the proposed disclosure affording such producer with opportunity to submit written grounds for any objections to such disclosure.

(b) The county director of real property tax services shall promptly provide to each assessor, production data relating to oil and gas economic units within that assessor's assessing unit.

6. Each gas producer shall notify the appropriate assessor in writing of the conversion or alteration of any producing well within an economic unit to a storage well or of the plugging and abandonment of a well.

§ 596. Taxable status; judicial review. 1. (a) Notwithstanding the provisions of subdivision one of section three hundred two of this chapter, the value of oil and gas economic units to be assessed pursuant to this title shall be determined according to condition, measured by the amount of production, as of the production year specified in section five hundred ninety of this title.

(b) A final determination of the commissioner relating to unit of production values may only be reviewed in a proceeding commenced against the commissioner in the manner provided by article seventy-eight of the civil practice law and rules upon application of an affected assessor or producer. Notwithstanding any provision of law to the contrary, such a proceeding shall be defended by counsel to the commissioner.

2. Prior to production, a lease or other conveyance of oil and gas rights in land which is otherwise entitled to an exemption from taxation, in whole or in part, shall not be considered dispositive by the assessor in determining whether that land is used exclusively for an exempt purpose.

3. The production of oil or gas by the owner of the land for personal non-commercial purposes shall not be considered dispositive by the assessor in determining whether such land is used exclusively for an

exempt purpose.

§ 597. Confidentiality. Information submitted by producers to the commissioner and to assessors pursuant to this title shall not be subject to the provisions of article six of the public officers law (the freedom of information law), and no person shall make known any such information submitted, except in an administrative or judicial proceeding to review a unit of production value or the assessment of an oil or gas economic unit, after providing twenty days written notice to the producer who submitted the information affording such producer with an opportunity to submit written grounds for any objection to such disclosure.

ARTICLE 6

ASSESSMENT OF SPECIAL FRANCHISES

Section 600. Assessment of special franchises by commissioner.

602. Information to be furnished to commissioner.

604. Special franchise reports to commissioner.

606. Use of state equalization rates, special equalization rates and levels of assessment in making special franchise assessments.

607. Adjustment of certain special franchise assessments for changes in the level of assessments on other property.

608. Tentative special franchise assessments; notice thereof.

610. Complaints.

612. Hearing of complaints.

614. Determination of final assessment of special franchises.

616. Filing of certificates of final assessment of special franchises with assessing units; apportionments.

618. Notice of final assessment of special franchises to owners thereof.

620. Adjustment of special franchise assessments upon change of fiscal year.

622. Special franchise assessments subject to all taxes.

624. Tax on special franchise not to affect other taxes.

626. Deductions allowed against taxes on special franchises.

§ 600. Assessment of special franchises by commissioner. 1. The commissioner shall annually determine the assessment of each special franchise subject to assessment in each assessing unit in accordance with the provisions of subdivision four of section three hundred two of this chapter. In making such determination the commissioner may take testimony and hear proof under oath or otherwise, avail itself of all information on the subject appearing in its office or acquired in the discharge of its duties and may employ experts, agents or other persons to procure any information required for such purpose.

2. Notwithstanding any other provision of this chapter, the assessor in each city, town and village and in each county having a county department of assessment shall annually assess all real property of railroads situated in such city, town, village or county, as the case may be, including the tangible property of a railroad situated in, upon, under or above any street, highway, public place or public waters.

3. Each special franchise owner shall pay an annual charge to the state office. All costs and expenses of the state office, direct and indirect, incurred in the assessment of special franchise property shall be paid from the collection of an annual charge upon special franchise owners. The commissioner shall provide by rule for computation of this charge through the apportionment of these costs and expenses to special franchise owners in relation to the total full value of such special franchise property. Charges shall be subject to the approval of the director of the budget. Any unpaid fee shall be a lien upon the assets of the special franchise owner and may be enforced by appropriate administrative or judicial proceedings commenced by counsel to the state office.

§ 602. Information to be furnished to commissioner. 1. It shall be the duty of the clerk of an assessing unit, or of a village which has enacted a local law as provided in subdivision three of section fourteen

hundred two of this chapter, within twenty days after a change in the boundaries thereof to furnish the commissioner with a statement giving the details of such change.

2. Upon the granting of any franchise for the use of any public street, highway, water or other public place by any assessing unit or village, which has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, it shall be the duty of the clerk thereof to furnish a copy of such franchise to the commissioner.

3. The commissioner of transportation shall furnish to the commissioner the estimates of reproduction cost new, depreciation and present value presented to the commissioner of transportation in any valuation matter before such commissioner, together with such portions of the testimony and exhibits relating thereto requested by the commissioner.

§ 604. Special franchise reports to commissioner. 1. Every person, partnership, association or corporation acquiring a special franchise, hereinafter referred to in this article as a special franchise owner, shall within thirty days after such acquisition make a written report to the commissioner containing a full description of such special franchise, a copy of the special law, grant, ordinance or contract under which the same is held, or if acquired under a general law, a reference thereto, and a statement of any condition, obligation or burden imposed upon such special franchise, or under which the same is held, together with any other information relating to the value thereof which may be required by the commissioner.

2. The commissioner may require from any special franchise owner an annual report and, from time to time, a further or supplemental report, containing such information and data as it may specify.

3. Every report required by or pursuant to this section shall be subscribed by the person, one of the members of the partnership or the

president, vice-president, secretary or treasurer of the association or corporation, as the case may be, making the same and affirmed by him as true under the penalties of perjury. The commissioner may prepare and require the use of forms for making such reports.

4. Every special franchise owner failing to make the report required by this section, or failing to make any report required by the commissioner pursuant to this section within the time specified by it, shall forfeit to the people of the state the sum of one hundred dollars for every such failure and the additional sum of ten dollars for each day that such failure continues, and shall not be entitled to review a special franchise assessment which is the subject of such report as provided in article seven of this chapter.

5. In addition to the provisions of subdivision four of this section, if a special franchise owner fails to furnish a report required by this section, or fails to make any report required by the commissioner pursuant to this section within the time specified, the commissioner may commence a special proceeding in the supreme court to compel such owner to furnish the report.

§ 606. Use of state equalization rates, special equalization rates and levels of assessment in making special franchise assessments. 1. Except in a special assessing unit, the commissioner shall apply the nineteen hundred fifty-three state equalization rate to any portion of the value of the special franchise which was assessed for the year nineteen hundred fifty-three; provided, however, that in determining the assessed value of a special franchise in an assessing unit which, subsequent to nineteen hundred fifty-three, has completed a revaluation in compliance with the standard of assessment of section three hundred five or former section three hundred six of this chapter, the commissioner shall provide the full value of special franchises to that assessing unit pursuant to subdivision two of this section, notwithstanding the foregoing exception for property assessed in nineteen hundred fifty-three. Whenever the commissioner applies the nineteen hundred fifty-three state equalization rate to any portion of the value of the

special franchise assessments pursuant to this subdivision, the commissioner shall apply the latest state equalization rate or special equalization rate to the full value of all assessments of all other special franchise property within that assessing unit appearing on that assessment roll.

2. In any assessing unit which has completed a revaluation since nineteen hundred fifty-three or which does not contain property that was assessed in nineteen hundred fifty-three, the commissioner shall determine the full value of such special franchise as of the taxable status date specified by subdivision four of section three hundred two of this chapter. Such full value shall be determined by the commissioner for purposes of sections six hundred eight, six hundred fourteen and six hundred sixteen of this article. These full values shall be entered on the assessment roll at the level of assessment, which shall be the uniform percentage of value, as required by section five hundred two of this chapter, appearing on the tentative assessment roll upon which the assessment is entered. Whenever a final state equalization rate, or, in the case of a special assessing unit, a class equalization rate, is established that is different from a level of assessment applied pursuant to this paragraph, any public official having custody of that assessment roll is hereby authorized and directed to recompute these assessments to reflect that equalization rate, provided such final rate is established by the commissioner at least ten days prior to the date for levy of taxes against those assessments.

§ 607. Adjustment of certain special franchise assessments for changes in the level of assessments on other property. 1. Whenever there has been, as a result of a county-wide revaluation, a net increase of one hundred per cent or more in the level of assessment of locally assessed property in any city or town on its assessment roll finally completed in the year nineteen hundred sixty as compared with the preceding assessment roll, the commissioner shall determine an adjusted base year equalization rate for such city or town. The commissioner shall also determine an adjusted base year equalization rate for a village located in any such town if there shall have been such an increase in the level

of assessment in any such village on its assessment roll completed in nineteen hundred sixty-one or in an earlier year subsequent to nineteen hundred fifty-three.

2. The adjusted base year equalization rate shall be the lower of the two rates computed as follows: (i) the nineteen hundred fifty-four state equalization rate for such city, town or village multiplied by two and adjusted to take into account such increase in the level of assessment, or (ii) the nineteen hundred fifty-three state equalization rate for such city, town or village adjusted to take into account such increase in the level of assessment. In subsequent years, the commissioner shall adjust such adjusted base year equalization rate for any decrease in the level of assessment in excess of five per cent reflected on any subsequent assessment roll or in excess of an aggregate of five percent as reflected on three consecutive subsequent assessment rolls.

3. In establishing special franchise assessments for the assessment rolls of such cities, towns or villages completed hereafter and subsequent to the assessment roll affected by such change in level, the commissioner shall apply the adjusted base year equalization rate instead of the nineteen hundred fifty-three state equalization rate, as provided in section six hundred six of this chapter, to any portion of the value of a special franchise which was assessed for the year nineteen hundred fifty-three.

§ 608. Tentative special franchise assessments; notice thereof. 1. Upon completion of its inquiry and investigation with respect to the value of a special franchise, the commissioner shall determine the tentative assessment thereof. After determining the tentative assessment of a special franchise, the commissioner shall give notice in writing to the special franchise owner and the chief executive officer of each assessing unit in which such special franchise is situated that such determination has been made, the amount of such assessment, and that the commissioner or a duly authorized representative thereof will meet at a time and place specified in such notice to hear any complaint concerning such assessment. Any such notice to a town shall also specify the amount

of each special franchise assessment in any village therein. Each such notice must be served at least thirty days before the day specified for the hearing. It may be served on the special franchise owner if a partnership, association or corporation by mailing a copy thereof to its principal place of business, and if a person, by mailing a copy thereof to him at his place of business or last known place of residence.

2. The commissioner may establish a separate tentative and final special franchise value or assessment for physical property that was omitted when calculating special franchise values for the assessment roll of the preceding year. Values for omitted property shall be calculated by the same procedures used by the commissioner when establishing the values for the roll from which the property was omitted. Entry of a final assessment of omitted property and the levy of taxes shall be done in accord with the provisions of section five hundred fifty-one of this chapter.

3. The commissioner may deduct from the tentative and final values or assessments of special franchise property an amount for physical property that was incorrectly included in the values or assessments of the assessment roll for the preceding year. Any amount deducted pursuant to this section shall be clearly and separately identified on the notice of tentative assessments or values and on the certificate of final assessment.

§ 610. Complaints. 1. If a special franchise owner or any assessing unit in which a special franchise is situated proposes to complain concerning a special franchise assessment at the hearing of the commissioner, such special franchise owner or assessing unit must serve a written complaint specifying its objections to be served on the commissioner at least ten days before the day specified for the hearing. Where a complaint is made by a special franchise owner, such owner must cause a copy thereof to be served on the assessing unit in which such special franchise is situated. Where a complaint is made by an assessing unit, it must cause a copy thereof to be served on each special franchise owner whose special franchise assessment is the subject of

such complaint. Service may be made personally or by mail. At least five days before the date specified for the hearing an affidavit of service shall be filed with the commissioner stating in substance that service has been made in accordance with the provisions of this section.

2. The commissioner may waive the provisions of this section relating to the making and serving of a complaint by (a) a special franchise owner if the assessing unit in which the special franchise is situated consents thereto and (b) an assessing unit if the special franchise owner whose special franchise assessment is the subject of the complaint consents thereto.

3. When a complaint is filed pursuant to this section by a special franchise owner but not the assessing unit or when a complaint is filed by the assessing unit but not the owner, the party not filing the complaint may appear at the hearing of the commissioner, offer testimony or provide written statements and supporting documents. The commissioner shall consider any such testimony, statements or documents along with any submission in support of the initial complaint.

§ 612. Hearing of complaints. The commissioner or a duly authorized representative thereof shall meet at the time and place specified in the notice required by section six hundred eight of this chapter to hear complaints in relation to assessments of special franchises. The provisions of section five hundred twelve of this chapter shall apply so far as practicable to the hearing of complaints pursuant to this section. Nothing contained in this section shall be construed to require a hearing to be conducted when no complaints have been filed.

§ 614. Determination of final assessment of special franchises. After receiving the commissioner's report regarding any complaint filed pursuant to section six hundred twelve of this article, the state board of real property tax services shall determine the final assessment of each special franchise.

§ 616. Filing of certificates of final assessment of special franchises with assessing units; apportionments. 1. After determining the final assessment of a special franchise, the commissioner shall file a certificate of the amount thereof with the assessors of the assessing unit in which such special franchise is subject to assessment. Such certificates shall be filed with the assessors not later than (a) thirty days prior to the last date provided by law for the final completion, verification and filing of annual assessment rolls in the case of cities in which there is only one school district and in villages and (b) ten days prior to the date provided by law for hearing of complaints in relation to assessments in the case of cities in which more than one school district is wholly or partly located and in towns. Any such certificate filed with the assessors of a town shall also specify the amount of each special franchise assessment in any village therein.

2. Except in a special assessing unit, the final assessment of every special franchise in an assessing unit as shown on such certificate shall be entered by the assessors in the proper part of the assessment roll prior to the final completion, verification and filing of the assessment roll in the case of cities and villages and prior to the hearing of complaints pursuant to section five hundred twelve of this chapter in the case of towns; provided, however, that in the case of cities in which more than one school district is wholly or partly located, the final assessment of every special franchise located in more than one school district and the apportionment thereof shall be entered on the assessment roll prior to the hearing of complaints in relation to assessments. In towns the assessment of each special franchise located in more than one school district or in one or more special districts shall be apportioned by the assessors among each such school district and special district prior to the hearing of complaints pursuant to section five hundred twelve of this chapter. Upon the request of any special franchise owner, the assessor shall furnish certified statements of the amounts apportioned to the respective districts. The final assessment of a special franchise entered on the assessment roll by the assessors shall become a part thereof with the same force and effect as if such assessment had been originally made by such assessors.

3. Where a village has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter, the town or county assessor shall enter the final assessment of every special franchise as determined by the commissioner for purposes of such village on the copy of the part of the town or county assessment roll used for village tax purposes.

4. In special assessing units, the final assessment of special franchise shall be determined by the assessor by multiplying the full value certified by the commissioner by the uniform percentage at which all property in class three is assessed. Such final assessments shall be entered by the assessor on the proper part of the assessment roll.

§ 618. Notice of final assessment of special franchises to owners thereof. Upon filing the certificate of the final assessment of a special franchise with an assessing unit, the commissioner shall give written notice to the special franchise owner, which notice shall contain the final assessment of such special franchise. Any such notice with respect to a special franchise assessment in a town shall also specify the amount thereof in any village in such town. It may be served on the special franchise owner if a partnership, association or corporation by mailing a copy thereof to its principal place of business, and if a person, by mailing a copy thereof to him at his place of business or last known place of residence.

§ 620. Adjustment of special franchise assessments upon change of fiscal year. When the fiscal year of a city or village has been changed pursuant to law, the commissioner shall after a hearing make such adjustments in the assessment of each special franchise subject to assessment in such city or village as may be necessary under the circumstances.

§ 622. Special franchise assessments subject to all taxes. All taxes

and special ad valorem levies for county, city, town, village, school or special district purposes shall be imposed on the final assessment of each special franchise.

§ 624. Tax on special franchise not to affect other taxes. The payment of a tax on a special franchise shall not relieve any special franchise owner from the payment of any organization tax, franchise tax or any tax otherwise imposed by article nine of the tax law or any other provision of law, but tangible property situated in, under, above, upon or through any public street, highway, water or other public place, subject to assessment as a special franchise, shall not be taxable except upon the assessment made by the commissioner as provided herein.

§ 626. Deductions allowed against taxes on special franchises. 1. When a tax levied on a special franchise is due in any assessing unit, if the special franchise owner has paid such assessing unit for its exclusive use during the past year under any agreement or statute requiring the same, a sum based upon a percentage of gross earnings or other income, a license fee or other sum of money on account of such special franchise possessed by such special franchise owner, which payment was in the nature of a tax, all amounts so paid for the exclusive use of such assessing unit, except money paid or expended for paving or repairing the pavement of a street, highway or public place, and except in a city having a population of one hundred seventy-five thousand or more according to the latest federal census, car license fees or tolls paid for the privilege of crossing a bridge owned by the city, shall be deducted from the tax based on the assessment made by the commissioner for purposes of the assessing unit, but not otherwise, and the remainder shall be the tax on such special franchise payable for such purposes.

2. The chief fiscal officer or treasurer of a city, the treasurer of a village, the supervisor of a town, or other officer to whom any sum is paid for which a special franchise owner is entitled to credit as provided in this section, shall, not less than five nor more than twenty days before a tax on a special franchise is payable, deliver to the

collecting officer of such city, town or village, a certificate showing the several amounts which have been paid during the year ending on the date set forth in the certificate. Upon the receipt of such certificate, the collecting officer shall credit on the tax roll to the special franchise owner the amount stated in such certificate, on any tax levied against the special franchise of such special franchise owner for city, town or village purposes only. No credit shall be given on account of such payment or certificate in any other year, nor for a greater sum than the amount of the tax on the special franchise for city, town or village purposes for the current year.

3. Notwithstanding the foregoing provisions, all sums based upon a percentage of gross earnings or any other income, or any license fee, or any sum of money on account of a special franchise, granted to or possessed by a railroad company deductible as provided in subdivision one of this section shall be deducted from any tax based upon an assessment of the railroad real property of such railroad company, provided, however, that this subdivision shall not apply to a commuter railroad. The terms "railroad real property" and "railroad company" as used in this subdivision shall have the meanings prescribed by section four hundred eighty-nine-b of this chapter and the term "commuter railroad" shall have the meaning prescribed by section four hundred eighty-nine-bb of this chapter.

4. Notwithstanding the definition in subdivision one of section one hundred two of this chapter, all villages shall be deemed assessing units for purposes of this section.

ARTICLE 7

JUDICIAL REVIEW

Title 1. General provisions.

1-A. Special proceeding for small claims assessment review.

2. Special provisions relating to special franchise assessments.

TITLE 1

GENERAL PROVISIONS

- Section 700. Proceeding to review an assessment of real property; preference.
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§ 700. Proceeding to review an assessment of real property; preference. 1. A proceeding to review an assessment of real property shall be brought as provided in this article unless otherwise provided by law. Reference in any statute to certiorari proceedings heretofore controlled by any provision of article thirteen of the tax law shall be deemed to refer to the procedure set forth in this article.

2. All rights, remedies and practices heretofore applicable to a proceeding commenced by a writ of certiorari which are not inconsistent with the provisions of this article shall apply to a proceeding to review an assessment of real property under this article.

3. A proceeding brought pursuant to this article and appeals therefrom shall have preference over all other civil actions and proceedings in all courts.

§ 701. Definitions. When used in this title:

1. "Approved assessing unit" shall mean an assessing unit certified by the commissioner, pursuant to section nineteen hundred two of this chapter, as having completed a revaluation which is in conformance with the commissioner's rules and regulations.

2. "Assessed valuation" or "assessed value" means the determination made by assessors or the board of assessment review of the valuation of real property, including the valuation of exempt real property.

3. "Class designation" shall mean:

(a) In an assessing unit other than a special assessing unit, the determination, pursuant to section nineteen hundred three of this chapter, of whether real property is included in the homestead class; or

(b) In a special assessing unit, the determination, pursuant to section eighteen hundred two of this chapter, of whether real property is included in class one, two, three or four.

4. "Excessive assessment" or an assessment which is excessive shall mean and include:

(a) an entry on an assessment roll of the assessed valuation of real property which exceeds the full value of real property; or

(b) an entry on an assessment roll of the taxable assessed valuation of real property which is excessive because the real property failed to receive all or a portion of a partial exemption to which the real property or owner thereof is entitled pursuant to the law authorizing the partial exemption; or

(c) an entry on the assessment roll of an approved assessing unit of a transition assessment which is excessive because of a failure to comply with the provisions of section nineteen hundred four of this chapter; or

(d) an entry on the assessment roll of a special assessing unit of assessed valuation, an actual assessment or transition assessment for real property which is excessive because of a failure to comply with the limitations on increases in assessed value set forth in section eighteen hundred five of this chapter.

5. "Misclassification" or real property which is misclassified shall mean and include:

(a) an entry on an assessment roll of an incorrect class designation; or

(b) an entry on the assessment roll of an assessing unit other than a special assessing unit of a class designation which results in an incorrect allocation of parcel's assessed valuation between homestead real property and the remainder of the parcel; or

(c) an entry on the assessment roll of a special assessing unit of a class designation which results in an incorrect allocation of a parcel's assessed valuation between two or more classes.

6. "Special assessing unit" shall mean an assessing unit with a population of one million or more.

7. "Taxable assessed valuation" or "taxable assessed value" means the assessed valuation of real property less partial exemptions.

8. "Unequal assessment" or an assessment which is unequal shall mean and include:

(a) an entry on the assessment roll of an assessing unit other than a special assessing unit of the assessed valuation of real property which is made at a higher proportionate valuation than the assessed valuation of other real property on the same roll by the same officers; or

(b) an entry on the assessment roll of a special assessing unit of the assessed valuation of real property which is made at a higher proportionate valuation than the assessed valuation of other real property in the same class on the same roll by the same officer.

9. "Unlawful assessment" or an assessment which is unlawful shall mean and include:

(a) an entry on the taxable portion of the assessment roll of the assessed valuation of real property which, except for the provisions of section four hundred ninety of this chapter, is wholly exempt from taxation; or

(b) an entry on an assessment roll of the assessed valuation of real property which is entirely outside the boundaries of the assessing unit, the school district or the special district in which the real property is designated as being located; or

(c) an entry on an assessment roll of the assessed valuation of real property which cannot be identified from the assessment roll description or tax map land parcel number on the assessment roll; or

(d) an entry of assessed valuation of real property on an assessment roll which has been made by a person or body without the authority to make such entry; or

(e) an entry of assessed valuation of a special franchise on an assessment roll which exceeds the final assessment thereof as determined by the commissioner.

§ 702. Place where and time within which proceeding to be brought. 1. A proceeding to review an assessment of real property under this article shall be brought at a special term of the supreme court in the judicial district in which the assessment to be reviewed was made.

2. Such a proceeding shall be commenced within thirty days after the final completion and filing of the assessment roll containing such assessment. For the purposes of this section an assessment roll shall not be considered finally completed and filed until the last day set by law for the filing of such assessment roll or until notice thereof has been given as required by law, whichever is later.

3. If it appears upon the answer that the petition or petition and notice, when such notice is required by section seven hundred four of this chapter, were not filed or served and filed where required pursuant to section seven hundred forty of this chapter, within the time limited therefor, such failure to file or serve and file the petition or petition and notice within such time shall constitute a complete defense

to the petition and the petition must be dismissed.

§ 704. Commencement of proceeding. 1. Any person claiming to be aggrieved by any assessment of real property upon any assessment roll may commence a proceeding under this article by filing a petition described in section seven hundred six of this chapter in the manner set forth in section three hundred four of the civil practice law and rules together with a notice in writing of an application for review under this article returnable not less than twenty nor more than ninety days after service of such petition and notice, except that in a city having a population of one million or more, such a proceeding shall be commenced by filing of a petition alone. The petition hereunder, and notice of application for review, where required, may be served upon the officers designated in section seven hundred eight of this chapter or as the law may otherwise provide.

2. The proceeding shall be maintained against the assessors either by naming them individually or by using the official name of the assessing unit.

3. Commencement of a proceeding under this article shall not stay the proceedings of the assessors or other persons against whom the proceeding is maintained or to whom the assessment is delivered, to be acted upon according to law.

* 4. A renter who has an interest in real property as set forth in section three hundred four of this chapter shall be deemed to be an aggrieved person pursuant to subdivision one of this section. A proceeding commenced by such renter shall relate to the entire assessment of said real property and not be limited to the assessment of the unit occupied by such renter.

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

5. In the case of real property assessed in accordance with subdivision one of section three hundred thirty-nine-y of the real property law, the board of managers acting as an agent of one or more unit owners pursuant to subdivision four of such section shall be deemed

to be an aggrieved person as provided for in subdivision one of this section.

§ 706. Grounds for review; contents of petition. 1. The grounds for reviewing an assessment shall be that the assessment to be reviewed is excessive, unequal or unlawful, or that real property is misclassified.

2. A proceeding to review an assessment shall be founded upon a petition setting forth the respect in which the assessment is excessive, unequal or unlawful, or the respect in which real property is misclassified and stating that the petitioner is or will be injured thereby. Such petition shall be duly verified by the petitioner, an officer thereof, or by an agent thereof who has been authorized in writing to verify and file such petition and whose authorization is made a part of such petition. Such petition must show that a complaint was made in due time to the proper officers to correct such assessment. Two or more persons having real property assessed upon the same roll who assert the same grounds for review presenting a common question of law or fact, may unite in the same petition.

§ 708. Service. 1. Except in a city of over one million population having a tax commission, if the assessment to be reviewed was made by the assessors of an assessing unit, service may be made by delivering three copies of the petition and notice to: (a) the clerk of such assessing unit, or, if there be no such clerk, then to the officer who performs the customary duties of that official; or (b) the assessor or the chairman of the board of assessors or the chief clerk of such assessor or board of assessors, or a deputy of any of such clerks or officers authorized to receive such petition and notice. Such clerk or other officer, if other than the assessor or the chairman of the board of assessors, shall notify the assessors of the commencement of the proceeding.

2. In a city of over one million population having a tax commission, service of the petition shall be made by delivering a copy thereof to

the president of the tax commission of such city or his duly authorized agent.

3. Except in a city in which there is a city school district governed by the provisions of article fifty-two of the education law, or in a special assessing unit as defined in article eighteen of this chapter which is not a city or in a county governed by chapter three hundred eleven of the laws of nineteen hundred twenty, as amended by chapter one hundred thirty of the laws of nineteen hundred thirty-five, one copy of the petition and notice shall be mailed within ten days from the date of service thereof as above provided to the superintendent of schools of any school district within which any part of the real property on which the assessment to be reviewed is located and, in all instances, to the treasurer of any county in which any part of the real property is located, and to the clerk of a village which has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter if the assessment to be reviewed is on a parcel located within such village. Neither the school district nor any such county or village shall thereby be deemed to have been made a party to the proceeding. Proof of mailing one copy of the petition and notice to the superintendent of schools, the treasurer of the county and the clerk of the village which has enacted a local law as provided above shall be filed with the court within ten days of the mailing. Failure to comply with the provisions of this section shall result in the dismissal of the petition, unless excused for good cause shown.

4. Nothing in this subdivision shall affect the right to serve process in any other manner permitted by law.

§ 710. Consolidation of proceedings. A justice before whom separate petitions to review assessments of real property are pending may on his own motion consolidate or order to be tried together two or more proceedings where the same grounds of review are asserted and a common question of law or fact is presented, except that a proceeding to review a special franchise assessment for the year nineteen hundred fifty-four or any year thereafter shall not be consolidated or ordered to be tried

together with a proceeding to review a special franchise assessment for the year nineteen hundred fifty-three or any year prior thereto.

§ 712. Answer. 1. The respondent shall serve a verified answer upon the petitioner at least five days prior to the return day unless the time to serve such answer has been extended by the parties or the court for good cause shown; provided, however, that if the respondent fails to serve such answer within the required time, all allegations of the petition shall be deemed denied. A motion to dismiss the petition shall not be denied merely on the ground that an answer has been deemed made.

2. The respondent shall not be required to attach the original assessment roll or other original papers acted upon by him, but it shall be sufficient to incorporate the same by reference in the answer.

2-a. After receiving a copy of the petition and notice, any school district, except a school district governed by article fifty-two of the education law, or a school district in a special assessing unit as defined in article eighteen of this chapter which is not a city, or a school district in a county governed by chapter three hundred eleven of the laws of nineteen hundred twenty as amended by chapter one hundred thirty of the laws of nineteen hundred thirty-five, may become a party in the proceeding initiated by petitioner to review its tax assessment, by serving a verified answer upon the petitioner and respondent or by serving a copy of the "notice of appearance", as described herein, upon the petitioner and respondent at least five days prior to the return date unless the time to serve such answer has been extended by the parties or by the court for good cause shown or unless the school district did not receive the notice at least twenty days prior to the return date, in which case the school district shall have twenty days from the receipt of notice to intervene as a respondent in the proceeding. In the event the school district serves a copy of the "notice of appearance" upon the petitioner and respondent, for purposes of the action, all allegations of the petition shall be deemed denied by the school district.

2-b. The "notice of appearance" described in subdivision two-a of this section shall include the following items: the caption of the case and index number, a statement of the intent of the school district to intervene in the action, and a statement that this notice is deemed sufficient to fulfill the requirements of this section.

3. The provisions of this section shall not apply in a city having a population of one million or more.

§ 714. Answer in city having a population of one million or more. 1. In a proceeding brought to review an assessment of real property in a city having a population of one million or more, the respondent may serve a verified answer upon the petitioner within twenty days after service of the petition. If the respondent fails to serve such answer within the required time, all allegations of the petition shall be deemed denied. A proceeding shall be placed upon the court calendar for hearing by serving a copy of, and filing, a note of issue as provided in an action. When an answer is deemed to have been made, a motion to dismiss the petition must be made prior to the service of a note of issue, except that a motion to dismiss the petition, where it appears on the face thereof that the court does not have jurisdiction of the subject of the proceeding or that the petition does not state facts sufficient to warrant relief under the provisions of this article, may be made at any time prior to the hearing, and the failure to serve an answer shall not be ground for denying such a motion.

2. If the respondent has not served an answer or moved to dismiss the petition prior to the service of a note of issue, except as hereinbefore provided, in order to raise an objection to the sufficiency of the petition or assert an affirmative defense upon the hearing, he must serve upon the petitioner within forty days after the service of a note of issue, a notice containing a statement of the nature of such objection or such defense, unless for good cause the time to serve such notice is extended by the court or a justice thereof, on an order to show cause. Unless the petitioner and respondent stipulate in writing for a hearing at an earlier date, no hearing shall be held less than

thirty days after service of such notice upon the petitioner.

3. The respondent shall not be required to attach the original assessment roll or other original papers acted upon by him, but it shall be sufficient to incorporate the same by reference in the answer or notice provided for in subdivision two hereof.

§ 716. Admission of percentage of full value at which real property is assessed. 1. Except in a proceeding to review a special franchise assessment, at any time after answer has been served or has been deemed made and not later than twenty days before the trial, the petitioner may serve upon the respondent a demand for admission for the purposes of such proceeding that the percentage of full value at which other real property is assessed in the unit is a percentage specified in such demand, but not in excess of ninety-five per centum. Unless the respondent within fifteen days after service of such demand, or within such further time as the court may allow on motion on notice, serves and files a notice specifically denying that the percentage specified in such demand is correct, such percentage shall be deemed admitted.

2. After being served with such demand, if the respondent serves such a notice of denial, and the petitioner thereafter proves that the percentage of full value at which other real property is assessed in the assessing unit is not in excess of the percentage specified in his demand, he may apply to the court at or immediately following the trial for an order requiring the respondent to pay him the reasonable expenses incurred in making such proof including the reasonable fees of experts and attorneys. Unless the court finds that there was good and sufficient reason for the respondent's denial, the order shall be made irrespective of the results of the proceeding.

§ 718. When proceeding deemed abandoned. 1. Where a proceeding is commenced pursuant to this article to review the assessment of a parcel of real property which contains one, two or three family dwelling residential real property, including such dwellings used in part for

nonresidential purposes, but which are used primarily for residential purposes, and farm dwellings, or a parcel of real property which contains residential real property consisting of more than three dwelling units held in condominium form of ownership, or a parcel of real property which contains land used in agricultural production which is eligible for an agricultural assessment pursuant to section three hundred five or three hundred six of the agriculture and markets law, where the owner of such land has filed an annual application for an agricultural assessment, and farm buildings and structures thereon, as defined in subdivision two of section four hundred eighty-three of this chapter, or any parcel of real property located in a city with a population of one million or more, unless a note of issue is filed and the proceeding is placed on the court calendar within four years from the last date provided by law for the commencement of the proceeding, the proceeding thereon shall be deemed to have been abandoned and an order dismissing the petition shall be entered without notice and such order shall constitute a final adjudication of all issues raised in the proceeding, except where the parties otherwise stipulate or a court or judge otherwise orders on good cause shown within such four-year period.

2. Where a proceeding is commenced pursuant to this article to review the assessment of a parcel of real property which solely contains property which is not subject to the provisions of subdivision one of this section, a note of issue shall be filed in accordance with this subdivision.

(a) Where a real property assessment challenge commenced under this article has been pending for at least two years from the date of the commencement of the proceeding, either party may demand, by serving a written demand, that the parties file a written appraisal of the property which is the subject of the proceeding and serve same within one hundred twenty days of service of such demand. The demand shall be in writing and served by personal delivery or certified mail, return receipt requested. Both parties shall thereafter file an appraisal or show good cause as to why such demand cannot be complied with within such time period. Either party may move to dismiss the proceeding by reason of the other party's failure to prosecute the proceeding and file the appraisal pursuant to the demand. Unless the party shows good cause

for failing to file the appraisal, the court may in its discretion either dismiss or grant the petition and such order shall constitute a final adjudication of all issues raised in the proceeding.

(b) Upon the serving and filing the appraisals pursuant to a demand made under paragraph (a) of this subdivision, the court shall schedule a conference with the parties to be held within ninety days to discuss settlement, resolve disclosure and decide other pretrial issues.

(c) After completion of the pretrial conference required by this subdivision, the respondent may serve and file a written demand that petitioner file a note of issue within thirty days of service of the demand therefor. The demand shall be in writing and served by personal delivery or certified mail, return receipt requested. Should the petitioner fail to file a note of issue within thirty days of the service of demand, the proceeding shall be deemed to have been abandoned, an order dismissing the petition shall be entered without notice and such order shall constitute a final adjudication of all issues raised in the proceeding, unless the court or judge otherwise orders on good cause shown.

(d) Should the respondent fail to demand that the petitioner file a note of issue pursuant to paragraph (c) of this subdivision within four years from the date of the commencement of the proceeding, and a note of issue has not otherwise been filed, the proceeding shall be deemed to have been abandoned and an order dismissing the petition shall be entered without notice and such order shall constitute a final adjudication of all issues raised in the proceeding, except where the parties otherwise stipulate or a court or judge otherwise orders on good cause shown within such four-year period.

3. For purposes of this section a "proceeding" shall include separate proceedings involving parcels under common ownership or separate proceedings consolidated pursuant to section seven hundred ten of this title.

§ 720. Action by court upon the pleadings. 1. (a) If the court determines from the pleadings for any of the reasons alleged in the petition that the assessment being reviewed is unlawful it shall order

the assessment stricken from the roll or where appropriate entered on the exempt portion of the roll.

(b) If the court determines that the assessment being reviewed is excessive or unequal, it shall order a revised assessment of the real property of the petitioner or the correction of the assessment upon the roll, in whole or in part, in such manner as shall be in accordance with law or as shall make it conform to other assessments upon the same roll and secure equality of assessment, provided, however, that except in cities with a population of one million or more an assessment may not be ordered reduced to an amount less than that requested by the petitioner in a petition or any amended petition verified pursuant to section seven hundred six of this title. If the real property is partially exempt from taxation, and the order does not specify how much of the total assessed value, as determined by the court, is exempt from taxation, the exemption shall be reduced so as to preserve the ratio of taxable assessed value to the total assessed value that existed on the final assessment roll.

(c) If the court determines that the real property is misclassified, it shall order the correction of the class designation upon the roll.

2. If it appears to the court that testimony is necessary for the proper disposition of the matter, it shall take evidence or appoint a referee to take such evidence as it may direct. The referee shall report to the court his findings of fact and conclusions of law and the evidence upon which it is based, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The report of the referee and the decision or final order of the court finding the value of the property and the proper assessment thereof shall contain the essential facts found upon which the ultimate finding of facts is made.

3. (a) For the purposes of this subdivision:

(1) "Major type of property" in special assessing units for assessments on rolls completed before January first, nineteen hundred eighty-two and in other than special assessing units means each of the following:

(i) residential: all one, two and three family residential real

property including such dwellings used in part for non-residential purposes but which are used primarily for residential purposes, except such property held in cooperative or condominium forms of ownership provided, however, that in any approved assessing unit which has adopted the provisions of section nineteen hundred three of this chapter the residential type shall be the homestead class as defined in this chapter;

(ii) farm, forest and vacant: all real property used primarily for agricultural or forestry purposes and all real property which contains no significant improvement;

(iii) public utility: all real property primarily used for the provision to the public of communications or transportation services, electric power, water or gas;

(iv) all other: all real property not included in any other major type.

(2) "Major type of property" in special assessing units, for assessments on rolls completed after December thirty-first, nineteen hundred eighty-one, shall mean classes one, two, three and four as defined in subdivision one of section eighteen hundred two of this chapter.

(3) "Stratified random sample" means the sorting of all taxable parcels except public utility property, on the assessment roll to be used for the selection of parcels, into a number of mutually exclusive categories each of which is sampled independently in such a manner that each parcel in each such category shall have an equal opportunity to be selected.

(b) Evidence on the issue of whether an assessment is unequal shall be limited to the following as hereinafter provided.

(1) By the selected parcels method as determined by stratified random sample.

The parties shall mutually agree on the methods of stratification, computation of ratio and selection of the parcels to be appraised, the number of such parcels and the number of witnesses to be heard with respect to such issue. Such parcels shall be selected so as to constitute a stratified random sample of all locally assessed taxable parcels on the assessment roll containing the assessment under review or

the latest assessment roll sampled by the board in establishing the state equalization rate for such roll; provided, however, for assessments on rolls completed after December thirty-first, nineteen hundred eighty-one, in special assessing units such parcels shall constitute a stratified random sample of all locally assessed taxable property in the major type of property in which the property under review is classified; provided further, however, for assessment rolls completed after December thirty-first, nineteen hundred eighty-one, in special assessing units public utility property shall be sampled as the parties agree, or if the parties fail to agree, as the court directs. In special assessing units for assessment rolls completed prior to January first, nineteen hundred eighty-two and in other than special assessing units public utility property shall be added to the parcels selected for the stratified random sample when such property is a significant portion of the total locally assessed taxable assessed value of the assessing unit; in such case, representative parcels shall be agreed upon by the parties or selected by the court if no such agreement is reached. In the event that proceedings for more than one year are consolidated for trial, evidence may be introduced to adjust the ratio derived from the selected parcels provided for in this subdivision so as to make such ratio applicable to the other assessment rolls included in such consolidation. For the purpose of this subdivision, stratification shall be based on major type of property and assessed value within each such major type; provided however, that for assessments on rolls completed after December thirty-first, nineteen hundred eighty-one, in special assessing units stratification shall be based on the assessed value of parcels within the major type of property in which the assessment under review is classified. Nothing in this subdivision shall prevent the parties from agreeing, with approval of the court, to any other method of stratification in place of or in addition to major type of property or assessed value of property. Stratification shall be made in accordance with the information contained on the assessment roll from which the parcels to be appraised are to be selected. The assessment under review shall be excluded from the stratification and the sample.

In addition to the selected parcels, additional parcels shall be selected in the same manner for use as substitutes for selected parcels

for which the parties agree that an appraisal cannot be made. If the parties fail to agree on the feasibility of appraising a selected parcel or an appropriate substitute the court shall make such determinations.

In the event the parties fail to agree on such methods or selected parcels or on the number of witnesses, upon application of either party the court or referee shall select a qualified expert, who shall devise such methods and select the parcels to be appraised, or shall determine the number or witnesses, or both, as the case may be. Before any testimony is given by either party as to the value of such parcels, each party shall simultaneously file with the court or referee, on a date fixed by the court or referee, a written statement or tabulation of the appraised values placed upon such parcels by the witnesses of the respective parties, and each party shall serve on the other at the same time a copy of such statement or tabulation of values stated by his witnesses.

(2) By actual sales of real property within the assessing units that occurred during the year in which the assessment under review was made:

(3) By other methods.

The parties shall be limited in their proof on the trial of such issue to such parcels and witnesses, except that in any event, whether or not parcels are selected as hereinabove provided, evidence may be given by either party as to the following:

(a) in all assessing units other than special assessing units as defined in section eighteen hundred one of this chapter, the state equalization rate established for the roll containing the assessment under review;

(b) in all special assessing units as defined in section eighteen hundred one of this chapter, only for proceedings commenced with respect to assessment rolls completed prior to January first, nineteen hundred eighty-two, the latest applicable equalization rate established for the roll containing the assessment under review; or

(c) in all special assessing units as defined in section eighteen hundred one of this chapter, only for proceedings commenced with respect to assessment rolls completed after December thirty-first, nineteen hundred eighty-one, the latest applicable class ratio established for

the roll containing the assessment under review; or

(d) in all assessing units, the uniform percentage of value stated on the tax bill for the roll containing the assessment under review.

4. Notwithstanding the enactment of a local law as provided in subdivision three of section fourteen hundred two of this chapter, a village shall be deemed an assessing unit for purposes of this section.

*** § 721. Review of certain assessments.** In any proceeding wherein the assessment being reviewed has been challenged on the grounds that it is unequal and where the real property is or has been improved by a residential structure containing no more than three dwelling units, at least one of which is occupied by the petitioner, the court shall further permit the introduction of any evidence deemed relevant and material to establishing the relationship between the assessed value and the market value of such real property notwithstanding any provision of law to the contrary.

* NB Expired May 15, 1981

§ 722. Costs. 1. If the assessment is reduced by an amount equal to or greater than half the reduction claimed before the assessors or the commissioner, in addition to such additional allowance as may be granted pursuant to subdivision two of this section, costs and disbursements shall be allowed against the assessing unit, or in a proceeding to review a special franchise assessment, against the state. If the assessment is reduced by an amount less than half the reduction claimed before the assessors or the commissioner costs and disbursements may, in the discretion of the court, be awarded against the assessing unit, or in a proceeding to review a special franchise assessment, against the state. The costs and disbursements shall not exceed those taxable in an action upon the trial of an issue of fact in the supreme court, except that (a) if evidence has been taken there shall be included in the taxable costs and disbursements the expense of furnishing the court or the referee with a copy of the stenographer's minutes of the evidence taken and (b) an additional allowance may be granted by the court

pursuant to subdivision two of this section.

2. Where the court finds as a fact that (a) the assessment of the property was increased without adequate cause after a final order, administrative determination, or stipulation between the parties determined the assessment thereof for a previous year or (b) the amount of the assessment was grossly discriminatory, the court shall award to the petitioner an additional allowance, not exceeding the amounts hereinafter specified, according to the number of years that the assessment of such property was increased without adequate cause or was found to be grossly discriminatory and for which years proceedings to review such assessment were brought as follows: one year, five hundred dollars; two years, one thousand dollars; three years or more, twenty-five hundred dollars. The term "a previous year" shall mean the latest year for which an assessment was determined by a final order, administrative determination, or stipulation between the parties.

§ 724. Appeals. An appeal may be taken by either party from an order, judgment or determination under this article as from an order of the supreme court, and it shall be heard and determined in like manner as appeals from such orders.

§ 726. Refund of taxes. 1. If in a final order in any proceeding under this article it is determined that the assessment reviewed was excessive, unequal or unlawful, or that real property was misclassified, and ordered or directed that the same be corrected or stricken from the roll, and such order is not made in time to enable the assessors or other appropriate officer, board or body to make a new or corrected assessment or to strike such assessment from the roll prior to the imposing of any tax or special ad valorem levy upon the real property the assessment of which has been determined to be excessive, unequal or unlawful, or which has been determined to be misclassified, then any amount at any time collected upon such excessive, unequal or unlawful assessment, or as a result of such misclassification shall be refunded as follows:

(a) When such tax or other levy shall have been imposed by the board of supervisors, there shall be audited and paid to the petitioner or other person paying such tax or other levy in the same manner as county charges, the amount paid by him in excess of the amount which would have been paid had such assessment been made as determined by such order, together with interest thereon as provided in subdivision two of this section. So much of any tax or other levy, including interest thereon, as shall be refunded which was imposed for city, town, village or special district purposes, shall be charged to such city, town, village or special district. So much of the amount of any tax or other levy, including interest thereon, as shall be refunded which was imposed for other than city, town, village or special district purposes, shall be a general county charge; provided, however, that if the assessment is reduced by such order by an amount not in excess of ten thousand dollars, such portion of the amount refunded shall be charged to the city or town in which the real property is situated. However, with regard to condominiums, the amount paid by the petitioner or other person paying such tax, in excess of the amount which would have been paid had such assessment been made, as determined by such order, for assessments other than city, town, village or special district purposes, shall not be a city or town charge regardless of the amount of the reduction in the assessment.

(b) When such tax or other levy shall have been imposed by the appropriate board or body of any city, town or village, there shall be audited and paid to the petitioner or other person paying such tax or other levy in the same manner as city, town or village charges, as the case may be, the amount paid by him in excess of the amount which would have been paid had the assessment been made as determined by such order, together with interest thereon as provided in subdivision two of this section. So much of any tax or other levy, including interest thereon, as shall be refunded which was imposed for city, town, village or special district purposes, shall be charged to such city, town, village or special district. So much of the amount of any tax or other levy, including interest thereon, as shall be refunded which was imposed for other than city, town, village or special district purposes, shall be a general county charge; provided, however, that if the assessment is reduced by such order by an amount not in excess of ten thousand

dollars, such portion of the amount refunded shall be charged to the city or town in which the real property is situated. However, with regard to condominium owners, the amount paid by the petitioner or other person paying such tax, in excess of the amount which would have been paid had such assessment been made, as determined by such order, for assessments other than city, town, village or special district purposes, shall not be a city or town charge regardless of the amount of the reduction in the assessment.

(c) Any final order in a proceeding under article seven of this chapter, which orders or directs the correction or striking of an assessment appearing on that portion of a city, town or county assessment roll applicable to a school district, shall be binding on such school district. Any amount of taxes of such school district at any time collected upon such assessment in excess of the amount which would have been paid had such assessment been made as determined by such order, shall be refunded by the school authorities of such school district, together with interest thereon computed as provided in subdivision two of this section. A school district which levies taxes on behalf of a school district public library, association library, municipal public library, or special district public library may charge back to such library the portion of such refund attributable to library purposes. Such refund shall be made in accordance with the procedure set forth in this section, provided, however, that application for such refund shall be made, by the petitioner or other person paying such tax, within three years after the entry of the final order ordering or adjudging or determining such assessment to have been excessive, unequal or unlawful, or that real property was misclassified. The time of the pendency of any appeal in any such proceeding or from any such order shall not be deemed part of such three years.

* 2. Interest shall be paid on the amount of any refund made pursuant to this section, computed from the date of payment of the tax or other levy or portion thereof refunded; provided, however, that interest on the amount of any such refund for the period after any final order determining the assessment reviewed to be excessive, unequal or unlawful, or determining that real property was misclassified, notwithstanding that an appeal in the proceeding or from such order may be pending, shall be paid only from the date that application for audit

and payment of such refund shall have been duly made to the appropriate fiscal officer or body. Such rate of interest shall be the overpayment rate set by the commissioner of taxation and finance pursuant to subsection (j) of section six hundred ninety-seven of the tax law and such interest rate shall not be greater than nine percent per annum. Provided, the interest rate of the first calendar quarter set forth in the first month of the calendar year shall be the annual interest rate, and shall be the rate of interest prescribed by this subdivision. If, as a result of an appeal, there shall be an increase in the amount to be refunded, for the purposes of computing the interest thereon the determination upon such appeal shall be deemed a determination only with respect to such increase.

* NB Applies to interest chargeable on or after April 1, 2003

3. Application for the audit and payment of a tax or other levy paid upon an assessment determined upon final order to be excessive, unequal or unlawful, or paid upon an assessment of real property determined upon final order to be misclassified, must be made to the proper fiscal officer or body by the petitioner or other person paying such taxes within three years after the entry of such order; provided, however, that the time of the pendency of any appeal in any such proceeding or from any such order shall not be deemed any part of such three years.

4. Provision for the payment of all amounts charged to a city, town, village, school district or special district pursuant to paragraphs (a), (b) and (c) of subdivision one of this section, shall be included in the next annual budget or estimate of such city, town, village, school district or special district; provided, however, that in the event the aggregate amount charged to any city, town, village, school district or special district pursuant to paragraphs (a), (b) and (c) of subdivision one of this section for any fiscal year exceeds twenty-five thousand dollars or if such amount exceeds one per centum of the full valuation thereof, such amount may be financed, in whole or in part, in the same manner as a final judgment against such city, town, village, school district or special district. Full valuation shall mean the valuation obtained by dividing the assessed valuation, as shown on the last completed assessment roll for which a state equalization rate has been

established, by such state equalization rate. If a town shall issue obligations to finance the payment, in whole or in part, of the aggregate amount so charged back to such town for any fiscal year, taxes or other levies required for payment of the principal of an interest on such obligations shall be imposed in the first instance upon the entire town or such parts thereof, in the same proportion and manner, as the taxes or other levies refunded and included in such aggregate amount were imposed upon the entire town or such parts thereof.

5. (a) If the parties have so agreed, a final order may provide that a refund which is payable pursuant to this section shall be paid in installments over a specified period, not to exceed five years. The order may further provide, if the parties have so agreed, that interest shall be paid on such installments, at the rate provided by this section. Each such installment shall be audited, paid and charged back in the manner provided by this section.

(b) Notwithstanding any agreement of the parties to the contrary, in no event shall an excessive, unlawful or unequal assessment be reduced by more than is necessary to correct an excessive, unlawful or unequal assessment, or reapportioned by more than is necessary to correct a misclassification, so as to avoid paying a refund pursuant to this section.

§ 727. Prohibition against change in assessment following litigation.

1. Except as hereinafter provided, and except as to any parcel of real property located within a special assessing unit as defined in article eighteen of this chapter where an assessment being reviewed pursuant to this article is found to be unlawful, unequal, excessive or misclassified by final court order or judgment, the assessed valuation so determined shall not be changed for such property for the next three succeeding assessment rolls prepared on the basis of the three taxable status dates next occurring on or after the taxable status date of the most recent assessment under review in the proceeding subject to such final order or judgment. Where the assessor or other local official having custody and control of the assessment roll receives notice of the order or judgment subsequent to the filing of the next assessment roll,

he or she is authorized and directed to correct the entry of assessed valuation on the assessment roll to conform to the provisions of this section.

2. An assessment on property subject to the provisions of subdivision one of this section may be changed on an assessment roll where:

(a) There is a revaluation or update of all real property on the assessment roll;

(b) There is a revaluation or update in a special assessing unit of all real property of the same class;

(c) There has been a physical change (improvement) to the property;

(d) The zoning of such property has changed;

(e) Such property has been altered by fire, demolition, destruction or similar catastrophe;

(f) An action has been taken by any office of the federal, state or local government which caused a discernible change in the general area where the property is located which directly impacts on property values;

(g) There has been a change in the occupancy rate of twenty-five percent or greater in a building located on a property which is not eligible for an assessment review under title one-A of this article (small claims assessment review);

(h) The owner of the property becomes eligible or ineligible to receive an exemption; or

(i) The use or classification of the property has changed.

3. No petition for review of the assessment on such property shall be filed while the provisions of subdivision one of this section are applicable to such property.

TITLE 1-A

SPECIAL PROCEEDING FOR SMALL CLAIMS ASSESSMENT REVIEW

Section 729. Definitions.

730. Procedure to review small claims.

731. Appointment of hearing officers.

732. Hearing procedures.

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- 734. Refund of taxes resulting from small claims assessment review.
- 735. Determination not precedent.
- 736. Waiver of other remedies and right to judicial review.
- 737. Rules of practice and procedure.
- 738. Residential assessment ratio.
- 739. Prohibition against change in assessment following decision in small claims proceeding.

§ 729. Definitions. When used in this title:

1. "Assessed valuation" or "assessed value" means the determination made by assessors or the board of assessment review of the valuation of real property, including the valuation of exempt real property.

2. "Excessive assessment" or an assessment which is excessive shall mean and include:

(a) an entry on an assessment roll of the assessed valuation of real property which exceeds the full value of such real property; or

(b) an entry on an assessment roll of the taxable assessed valuation of real property which is excessive because the real property failed to receive all or a portion of a partial exemption to which the real property or owner thereof is entitled pursuant to the law authorizing the partial exemption.

3. "Taxable assessed valuation" or "taxable assessed value" means the assessed valuation of real property less partial exemptions.

3-a. "Tax district" means a county, city, town, village, school district or special district by or on behalf of which a tax or special ad valorem levy is imposed.

4. "Unequal assessment" or an assessment which is unequal shall mean and include:

(a) an entry on an assessment roll of the assessed valuation of real property improved by a one, two or three family residential structure

which is made at a higher proportion of full value than assessed valuation of other residential real property on the same roll; or

(b) an entry on an assessment roll of the assessed valuation of real property which is made at a higher proportion of full value than the assessed valuation of all real property on the same roll.

§ 730. Procedure to review small claims. 1. The chief administrator of the courts shall establish a small claims assessment review program in the supreme court. An owner of real property claiming to be aggrieved by an assessment on real property on the ground that such assessment is unequal or excessive may file a petition for review pursuant to this article provided that:

(a) the property owner shall have first filed a complaint pursuant to section five hundred twenty-four or section fourteen hundred eight of this chapter or the provisions of a local law or charter providing for administrative review of assessments;

(b) the property is: (i) improved by a one, two or three family owner-occupied structure used exclusively for residential purposes other than property subject to the assessment limitations of section five hundred eighty-one of this chapter and article nine-B of the real property law or (ii) the property is unimproved and is not of sufficient size as determined by the assessing unit or special assessing unit to contain a one, two or three family residential structure;

(c) the equalized value of the property does not exceed four hundred fifty thousand dollars or, in the event such equalized value exceeds four hundred fifty thousand dollars, the total assessment reduction requested does not exceed twenty-five percent of the assessed value of the property; and

(d) the petition shall not request an assessment lower than that requested in the complaint filed pursuant to section five hundred twenty-four or fourteen hundred eight of this chapter or the provisions of a local law or charter providing for administrative review of assessments.

For the purpose of this section, the equalized value of the property shall equal the assessed value of the property divided by the most

recent equalization rate or, in the case of a special assessing unit, the most recent class one ratio, when established. In the event there has been a material change in the level of assessment the special equalization rate shall be used to determine the equalized value of the property.

An owner of real property who qualifies under paragraphs (a) through (d) of this subdivision shall also include:

(i) a person or persons whose real property is held in trust solely for the benefit of such person or persons if the property serves as the primary residence of such person or persons and the trust which holds title to the property was lawfully created to hold title solely for estate planning and asset protection purposes; and

(ii) a person or persons who reside in real property which is owned by a limited partnership if the property serves as the primary residence of such person or persons and said limited partnership does not engage in any commercial activity, was lawfully created to hold title solely for estate planning and asset protection purposes and the partner or partners who primarily reside thereon personally pay all of the real property taxes and other costs associated with the property's ownership.

2. Upon determining any such complaint every real property tax board of assessment review shall inform every owner of one, two or three family owner-occupied residential real property in writing of the right to small claims assessment review in the manner provided by subdivision four of section five hundred twenty-five of this chapter. Such notice shall specify the last date on which petitions must be filed and the location where small claims assessment review forms may be obtained. The petition form for small claims assessment review shall be provided to such property owner, upon request, at no cost in accordance with the rules promulgated pursuant to section seven hundred thirty-seven of this title.

3. The petition for review pursuant to this title shall be filed within thirty days after the completion and filing of the final assessment roll containing such assessment or, in a city with a population of one million or more, before the twenty-fifth day of

October following the time when the determination sought to be reviewed was made, in accordance with the rules promulgated pursuant to section seven hundred thirty-seven of this title. A fee of thirty dollars shall be paid upon filing of each petition, which shall be the sole fee required for petitions filed pursuant to this title. The county clerk of each county outside the city of New York shall retain five dollars of each filing fee and shall pay the balance of each fee to the state commissioner of taxation and finance as provided in paragraph (e) of subdivision two of section thirty-nine of the judiciary law. For the purposes of this section an assessment roll shall not be considered finally completed and filed until the last day provided by law for the filing of such assessment roll or until notice thereof has been given as required by law, whichever is later. Failure to file the petition within such time shall constitute a complete defense to the petition and the petition must be dismissed.

4. The petition form for small claims assessment review shall be prescribed by the office of court administration after consultation with the commissioner. Such form shall require the petitioner to set forth his name, address and telephone number, a description of the real property for which small claims assessment review is sought, the name of the assessing unit having made the assessment, the amount of the assessment and of the reduction in assessed valuation or taxable assessed valuation requested, each tax district which utilizes such assessment and the tax rate or adjusted tax rate of each tax district or consolidated tax rate, if applicable, a concise statement of the ground or grounds upon which review is sought and any such other information as may be required by the office of court administration.

5. No petition for small claims assessment review shall relate to more than one parcel of real property.

6. The petition may be made by a person who has knowledge of the facts stated therein and who is authorized in writing by the property owner to file such petition. Such written authorization must be made a part of such petition and bear a date within the same calendar year during which the complaint is filed.

7. Commencement of a proceeding under this article shall not stay the proceedings of the assessors or other persons against whom the proceeding is maintained or to whom the assessment is delivered, to be acted upon according to law.

8. The petitioner shall mail a copy of the petition within ten days from the date of filing with the clerk of the supreme court to: (a) the clerk of the assessing unit named in the petition, or if there be no such clerk, then to the officer who performs the customary duties of that official, or to the president of the tax commission in a city with a population of more than one million and having a tax commission; (b) the assessor or chairman of the board of assessors of the assessing unit named in the petition; (c) the clerk of any school district, except a school district governed by the provisions of article fifty-two of the education law, within which any part of the real property on which the assessment to be reviewed is located, or if there be no clerk or the clerk's name and address cannot be obtained, then to a trustee; (d) the treasurer of any county in which any part of the real property is located; and (e) the clerk of a village which has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter if the assessment to be reviewed is on a parcel located within such village. Service upon the clerk of the assessing unit or other appropriate official specified in paragraph (a) of this subdivision shall be made by personal delivery or by certified mail, return receipt requested. In the event that service is made by personal delivery, the clerk of the assessing unit or other appropriate person shall provide a receipt for such service to the petitioner stating the date and time of service. Neither the school district, county nor such village shall be deemed to have been made a party to the proceeding.

§ 731. Appointment of hearing officers. 1. The chief administrator of the courts shall appoint a panel of small claims hearing officers selected from persons requesting to serve as such hearing officers who shall have submitted resumes of qualifications. Hearing officers to be appointed to the panel shall be qualified by training, interest,

experience, temperament and knowledge of real property assessment and valuation practices and provisions of state and local law governing the making of assessments, but need not be attorneys at law. The chief administrator of the court shall randomly assign a hearing officer or hearing officers, or may assign a judicial hearing officer designated pursuant to article twenty-two of the judiciary law, to conduct an informal hearing on the petition for review with the applicants for small claims and a representative of the assessing unit which made the assessment sought to be reviewed. Hearing officers assigned shall be familiar with the assessing unit in which the real property subject to review is located, and shall not possess any conflict of interest as defined by the public officers law with regard to the petitions to be heard. Hearing officers shall be compensated for their services in accordance with a fee schedule to be established by the chief administrator of the courts. For purposes of subdivisions two and three of this section and the other provisions of this title, the term "hearing officer" shall include a judicial hearing officer.

2. A hearing officer shall disqualify himself or herself from a hearing where such officer possesses a conflict of interest as defined by the public officers law. Such hearing officer shall also disqualify himself or herself from a hearing where such hearing officer has a direct or indirect interest in any property for which a petition has been filed. For the purposes of this title, a hearing officer shall be deemed to have a direct or indirect interest in any property for which a petition has been filed when the hearing officer, spouse, or any of his or her minor children:

(a) is the owner of such property; or

(b) is an officer, director, partner or associate of a law firm or real estate firm which has a financial interest with the owner of such property.

3. Where a hearing officer disqualifies himself or herself, such hearing officer shall notify the chief administrator of the court who shall reassign the case to another hearing officer.

§ 732. Hearing procedures. 1. Small claims hearings shall be held within forty-five days after the final day for filing petitions. In the event all such hearings cannot be held within forty-five days, hearings may be held at a later date in accordance with the rules promulgated pursuant to section seven hundred thirty-seven of this title. Such hearing, where practicable, shall be held at a location within the county in which the real property subject to review is located. The petitioner and assessing unit shall be advised by mail of the time and place of such hearing at least ten working days prior to the date of the hearing; provided, however, failure to receive such notice in such time period shall not bar the holding of a hearing.

2. The petitioner need not present expert witnesses nor be represented by an attorney at such hearing. Such proceedings shall be conducted on an informal basis in such manner as to do substantial justice between the parties according to the rules of substantive law. The petitioner shall not be bound by statutory provisions or rules of practice, procedure, pleading or evidence. All statements and presentation of evidence made at the hearing by either party shall be made or presented to the hearing officer who shall assure that decorum is maintained at the hearing. The hearing officer shall consider the best evidence presented in each particular case. Such evidence may include, but shall not be limited to, the most recent equalization rate established for such assessing unit, the residential assessment ratio promulgated by the commissioner pursuant to section seven hundred thirty-eight of this title, the uniform percentage of value stated on the latest tax bill, and the assessment of comparable residential properties within the same assessing unit. A village which has enacted a local law as provided in subdivision three of section fourteen hundred two of this chapter shall be deemed an assessing unit for purposes of this subdivision. The hearing officer may, if he deems appropriate, view or inspect the real property subject to review. The petitioner shall have the burden of proving entitlement to the relief sought.

3. All parties are required to appear at the hearing. Failure to appear shall result in the petition being determined upon inquest by the hearing officer based upon the available evidence submitted.

4. The hearing officer shall determine all questions of fact and law de novo.

§ 733. Decision of petition for small claims assessment review. 1. The hearing officer shall make a decision in writing with respect to the petition for small claims assessment review within thirty days after conclusion of the hearing conducted with respect thereto. The hearing officer's decision may grant the petition in full or in part or may deny the petition provided, however, that the decision of the hearing officer may not reduce the assessment lower than that requested by the petitioner. If the assessment is reduced by an amount equal to or greater than half the reduction sought, the hearing officer shall award the petitioner costs against the respondent assessing unit in an amount equal to the fee paid by the petitioner to file the petition for review. If the assessment is reduced by an amount less than half of the reduction sought, the hearing officer may award the petitioner costs against the respondent assessing unit in an amount not to exceed the fee paid by the petitioner to file the petition for review.

2. If the hearing officer determines from the petition and upon the evidence presented at the hearing that the assessment being reviewed is unequal or excessive, he shall order a correction of the assessment upon the roll, in whole or in part, in such manner as shall be in accordance with law or shall make it conform to other residential assessments upon the same roll. If the real property is partially exempt from taxation, and the order does not specify how much of the total assessed value, as determined by the hearing officer, is exempt from taxation, the exemption shall be reduced so as to preserve the ratio of taxable assessed value to total assessed value that existed on the final assessment roll.

3. If the hearing officer determines that the petitioner did not qualify for review pursuant to section seven hundred thirty of this title, the petition shall be denied without prejudice and the petitioner, notwithstanding any other provision of law, shall be

permitted to commence a proceeding pursuant to title one of this article within thirty days after having been served with a certified copy of the decision; provided, however, that the petitioner may, with the consent of the hearing officer, amend the petition to reduce the amount of relief sought so as to conform with the requirements of section seven hundred thirty of this title.

4. The decision of the hearing officer shall state the findings of fact and the evidence upon which it is based. Such decisions shall be attached to and made part of the petition for review and shall be dated and signed. Where the decision of the hearing officer determines that the petitioner did not qualify for review pursuant to section seven hundred thirty of this article, a notice shall be attached to such decision stating that the petitioner may seek judicial review of such assessment pursuant to this article, and that the last day to file for judicial review is thirty days after having been served with a certified copy of such decision. Where the decision of the hearing officer determines that the petition is granted in full or in part, a notice shall be attached to such decision stating that the assessment will be changed in compliance with such decision and that such change shall be made on the assessment and tax rolls before the levy of taxes, if possible, or that a refund of taxes shall be made within ninety days after such decision is made, or as is provided in Nassau and Suffolk counties, followed by name, telephone number and/or address of a person or department responsible to take the actions required by section seven hundred thirty-four of this article.

5. The hearing officer shall promptly transmit the decision to the clerk of the court, who shall file and enter it in accordance with the rules promulgated pursuant to section seven hundred thirty-seven of this title.

6. The hearing officer shall, promptly mail a copy of the decision to the petitioner, the clerk of the assessing unit, and the clerk of each tax district named in the petition.

§ 734. Refund of taxes resulting from small claims assessment review.

1. If in a final order in any proceeding under this title, it is determined that the assessment reviewed was excessive or unequal pursuant to section seven hundred thirty of this title and ordered or directed that the same be corrected and such order is not made in time to enable the assessors or other appropriate officer, board or body to make a new or corrected assessment prior to the expiration of the warrant for the collection of any tax or special ad valorem levy upon the real property the assessment of which has been determined to be excessive or unequal, then any amount at any time collected upon such excessive or unequal assessments shall be refunded within ninety days of such decision in the same manner as provided for in section seven hundred twenty-six of this chapter or as is otherwise provided by law with respect to Nassau and Suffolk counties, provided, however, that no application need be made by the petitioner for such refund. The notice of the hearing officer to the clerk of the tax district shall constitute an application for refund for the purpose of this section. Where a refund is not made within ninety days, interest in the amount of one percent per month shall be added to the amount to be refunded for each month or part thereof in excess of ninety days and paid to the petitioner. Notwithstanding paragraph (a) or (b) of subdivision one of section seven hundred twenty-six of this chapter, where an assessment reduction is not in excess of ten thousand dollars the amount of tax or other levy, including interest thereon, to be refunded shall be charged to the municipal corporation or special district by or on behalf of which they were levied; or as is otherwise provided by law with respect to Nassau and Suffolk counties.

2. In a city having a population of one million or more, the notice of the hearing officer shall be mailed to the office of the city collector.

§ 735. Determination not precedent. No transcript of testimony shall be made of a small claims assessment review hearing. The hearing officer's decision of a petition for small claims assessment review shall not constitute precedent for any purpose or proceeding involving the parties or any other person or persons except as provided in section

seven hundred thirty-nine of this title.

§ 736. Waiver of other remedies and right to judicial review. 1.

Except as provided in subdivision three of section seven hundred thirty-three of this title, the election to file a small claims real property assessment review petition shall be irrevocable and shall constitute a waiver of the right to commence a review proceeding under title one of this article upon the conclusion of the hearing.

2. A petitioner to an action pursuant to this title may seek judicial review pursuant to article seventy-eight of the civil practice law and rules provided that such review shall be maintained against the same parties named in the small claims petition.

§ 737. Rules of practice and procedure. The chief administrator of the courts shall adopt such rules of practice and procedure, not inconsistent herewith, as may be necessary to implement the small claims assessment review procedure hereby established. Such rules shall provide for the scheduling of evening hearings where practicable, the availability of petition forms, and the procedures for the filing of decision rendered by hearing officers pursuant to the provisions of this title.

§ 738. Residential assessment ratio. 1. (a) For the purposes of this title, sixty days prior to the date for the filing of the tentative assessment roll of an assessing unit, the commissioner shall determine the residential assessment ratio for such assessing unit. The residential assessment ratio shall be equal to the level of assessment of residential property in the assessing unit as determined in the market value survey used or to be used to calculate the state equalization rate for that assessment roll pursuant to article twelve of this chapter, subject to the provisions of paragraph (b) of this subdivision.

(b) The commissioner shall increase or decrease the residential

assessment ratio to account for a change in level of assessment in the total assessed value of residential real property or, if not available, of all taxable real property. For purposes of this section, "change in level of assessment" has the meaning set forth in section twelve hundred twenty of this chapter except that a change in level of assessment shall be determined with reference only to residential real property if the necessary information is available.

(c) The residential assessment ratio shall be made available at the office of the county director of real property tax services, the office of the county clerk and the office of the assessor or, in a city with a population of one million or more, the office of the tax commissioner of such city. Such ratio shall be provided to the office of court administration for distribution to small claims hearing officers.

2. For purposes of this section, assessing units participating in a coordinated assessing program pursuant to section five hundred seventy-nine of this chapter shall be considered to be a single assessing unit.

§ 739. Prohibition against change in assessment following decision in small claims proceeding. 1. Except as hereinafter provided and except as to any parcel of real property located within a special assessing unit as defined in article eighteen of this chapter, where the decision of a small claims hearing officer orders a reduction in an assessment, the assessed valuation contained in such decision shall not be thereafter changed on such property for the next assessment roll prepared on the basis of the taxable status date next occurring on or after the taxable status date of the most recent assessment under review in the proceeding subject to such final order or judgment. Where the assessor or other local official having custody and control of the assessment roll receives notice of the order or judgment subsequent to the filing of the next assessment roll, he or she is authorized and directed to correct the entry of assessed valuation on the assessment roll to conform to the provisions of this section.

2. An assessment on property subject to the provisions of subdivision

one of this section may be changed on an assessment roll where:

(a) There is a revaluation or update of all real property on the assessment roll;

(b) There is a revaluation or update in a special assessing unit of all real property of the same class;

(c) There has been a physical change (improvement) to the property;

(d) The zoning of such property has changed;

(e) Such property has been altered by fire, demolition, destruction or similar catastrophe;

(f) An action has been taken by any office of the federal, state or local government which caused a discernible change in the general area where the property is located which directly impacts on property values;

(g) The owner of the property becomes eligible or ineligible to receive an exemption; or

(h) The use or classification of the property has changed.

3. No petition for review of the assessment of such property shall be filed while the provisions of subdivisions one and two of this section are applicable to such property.

TITLE 2

SPECIAL PROVISIONS RELATING TO SPECIAL FRANCHISE ASSESSMENTS

Section 740. Proceeding to review a special franchise assessment.

742. Appearance by commissioner in proceeding to review a special franchise assessment.

744. Action by court in proceedings to review special franchise assessments.

§ 740. Proceeding to review a special franchise assessment. 1. A special franchise assessment may be reviewed so far as practicable in the manner prescribed by this article for reviewing an assessment of real property. Notwithstanding any other provision of this article to the contrary, an assessing unit may commence a proceeding under this section on the ground that the value of the property, prior to the application of the equalization rate pursuant to section six hundred six

of this chapter, is insufficient. This proceeding shall be consolidated with any other proceeding commenced under this section by the owner of the special franchise.

2. A petition and notice shall be served by delivering two copies to the commissioner or to an officer or employee authorized by him or her to accept service, not more than sixty days after the written notice of the final assessment prescribed by section six hundred eighteen of this chapter has been served. Where a proceeding is commenced by an assessing unit in which a special franchise is situated, an additional copy shall be filed by the petitioner with the owner of that special franchise. Where a proceeding is commenced by a special franchise owner, the petitioner, within ten days after service, shall file an additional copy with the clerk of the city, town or village and with the clerk of the school district in which that special franchise is situated except a school district governed by the provisions of article fifty-two of the education law.

3. Upon timely motion, an assessing unit or a special franchise owner shall be permitted to intervene in a proceeding commenced by the other under subdivision one of this section.

4. A proceeding to review a special franchise assessment shall be maintained against the commissioner and not against any other board or officer unless otherwise directed by the supreme court or a justice thereof.

5. An adjudication made in any such proceeding shall be binding upon (a) the owner of the special franchise in question, (b) the local assessors and any ministerial officer who performs duties relative to the collection of the taxes, in the same manner as though they had been parties to the proceeding.

§ 742. Appearance by commissioner in proceeding to review a special franchise assessment. 1. In any proceeding to review a special franchise assessment, the commissioner may appear by counsel designated by the

attorney general. The attorney general or such counsel may employ experts. The compensation of such counsel and experts and their necessary expenses incurred in such proceeding and upon any appeal therein shall be a charge upon the assessing unit upon whose rolls appears the assessment sought to be reviewed and the amount thereof shall be audited, allowed and paid in the same manner as other claims against the assessing unit. Where the assessment of a special franchise in more than one assessing unit is reviewed in one proceeding, separate accounts for such compensation and expenses shall be rendered to the proper officer of each of the assessing units. Any charge imposed pursuant to this subdivision shall be limited to proceedings commenced by a special franchise owner.

2. If provision has not been made for the payment of such expense in any year, the officers who are empowered by law to make such provisions in any assessing unit shall raise such amount as may be necessary in any manner provided by law and shall pay such expense therefrom.

§ 744. Action by court in proceedings to review special franchise assessments. 1. In a proceeding to review a special franchise assessment, upon filing of the answer or upon joinder of issue the court may take such evidence as it may deem necessary or may appoint a referee to take evidence and hear and determine all questions raised by the petition and the answer thereto. Notwithstanding any provisions of this article to the contrary, evidence on the issue of whether a special franchise assessment is unequal shall be limited to the state equalization rate or special equalization rate used in determining the final special franchise assessment under review, and such equalization rate or special equalization rate shall be binding and conclusive on the parties upon any such issue. Upon motion of either party the court may order the place of trial changed to the county in which the special franchise under review is situated. The place of trial shall be deemed changed to the county designated and the papers and proceedings shall be certified to that county in the manner provided by law in the case of a change in the place of trial of an action and all subsequent proceedings shall be had in the county so designated as if the special proceedings

had been originally instituted in that county.

2. Any objection to the report made pursuant to section six hundred four of this chapter, the complaint made pursuant to section six hundred ten of this chapter, the petition or the answer may be raised at the hearing and the court or referee shall hear and determine the same. The attorney general or other counsel shall furnish the petitioner not less than thirty days prior to the hearing with a statement of any objections to be raised to the report, complaint, or petition on the hearing. Within the same time the petitioner shall furnish the attorney general or other counsel with a statement of any objections to be raised to the answer on the hearing.

3. Either party may appeal directly to the appellate division of the supreme court from a ruling or decision of the court or referee upon objections raised to the report, complaint, petition or answer and the hearing may be stayed by an order of the supreme court pending such appeal.

4. Upon application of the attorney general upon cause shown, the governor may appoint extraordinary terms of the supreme court to be held in any judicial district and designate a justice to preside thereat, to try special franchise cases. Such extraordinary term shall have jurisdiction over all proceedings involving special franchise assessments arising in any assessing unit within the judicial district for which the term is appointed, without regard to the county in which the term is being held. Either party to a proceeding to review a special franchise assessment may at any time bring the proceeding on for a hearing or trial before such extraordinary term upon fifteen days' notice given to the other party either personally or by mail.

5. A new assessment or correction of an assessment made by order of the court shall have the same force and effect as if it had been so made by the proper officers within the time prescribed by law for making such assessment.

ARTICLE 8
COUNTY EQUALIZATION

- Title 1. County equalization.
2. Alternative method of county equalization.

TITLE 1
COUNTY EQUALIZATION

- Section 800. County equalization agency.
802. Commissioners of equalization.
804. Equalization by county equalization agency.
805. Alternative county tax apportionment.
806. Equalization in special districts located in more than one city or town.
808. Correction of clerical errors in county equalizations.
810. Statement to be forwarded to commissioner.
816. Review by state board of real property tax services.
818. Determination on review.
820. Method of effectuating county equalization revised by commissioner.
822. Alternative method of effectuating revised county equalization.
826. Discontinuance and settlement.
828. Effect of adjustment of previous county tax levy on taxing and borrowing power.
830. Review of final determinations of commissioner relating to county equalization rates.

§ 800. County equalization agency. The board of supervisors of each county shall be the county equalization agency except that the board of supervisors of any county may by resolution determine that commissioners of equalization, appointed as provided in section eight hundred two of this chapter, shall be the county equalization agency.

§ 802. Commissioners of equalization. 1. In a county where the board

of supervisors has determined that commissioners of equalization shall be the county equalization agency, three persons shall be appointed commissioners of equalization as provided in this section for a term of three years. Each person so appointed shall be paid by the county for his services, a sum to be determined by the board of supervisors, for the time actually and necessarily spent in the performance of his duties, and his actual and necessary expenses incurred in connection therewith.

2. Two of the commissioners shall be residents of the county and not members of the board of supervisors. The third commissioner shall not be a resident of or a taxpayer in the county, but shall reside in the judicial district in which the county is situated. Not more than one commissioner shall reside in the same city or town. If a commissioner removes to a city or town in which another commissioner resides, the office of the commissioner so removing shall thereupon become vacant. If there are any cities in the county, one commissioner shall be a resident of one of such cities and one commissioner shall be a resident of a town in the county.

3. All three commissioners shall be chosen from the political parties polling in such county at the last gubernatorial election either the highest or the next highest number of votes for governor. Appointments shall be so made that not more than two commissioners are members of the same political party. If the office of any commissioner becomes vacant before the expiration of his term, such vacancy shall be filled for the unexpired term by the appointment of a person who, at the time of his appointment, is a member of the same political party as his predecessor.

4. Commissioners of equalization shall be appointed by the board of supervisors except that in a county where one commissioner is required to be a resident of a city and one commissioner a resident of a town pursuant to subdivision two of this section, the commissioner appointed from a city shall be named by the supervisors representing cities and the commissioner appointed from a town shall be named by the supervisors representing towns. The appointment of all three commissioners in a county having any cities shall be confirmed by a two-thirds vote of the

board of supervisors. If the board of supervisors is unable to agree upon the commissioners as provided herein and such commissioners have not been appointed before the first day of June succeeding the adoption of the resolution determining that commissioners of equalization shall be the county equalization agency, the clerk of such board shall apply to the county judge certifying to him the fact that such resolution was adopted and such commissioners have not been appointed, whereupon the county judge shall appoint the commissioners subject to the provisions of subdivisions two and three of this section.

§ 804. Equalization by county equalization agency. 1. On or before November fifteenth in each year, the county equalization agency of each county shall inquire into and ascertain as near as may be the percentage of full value at which taxable real property in each city and town therein is assessed, which percentage shall be the county equalization rate for such city or town. The county equalization agency shall determine the aggregate full valuation of taxable real property in each city and town for the purpose of apportioning county taxes by dividing the assessed valuation thereof by the county equalization rate established for such city or town.

2. Where the board of supervisors acts as the county equalization agency, the county equalization rate established for each city and town shall be stated in a resolution of the board of supervisors. Where commissioners of equalization act as the county equalization agency, on or before November fifteenth in each year, they shall file with the clerk of the board of supervisors the county equalization rates and the full valuations of real property determined by them, including an abstract of the evidence upon which the same is based, signed by at least two of such commissioners, and the same shall be binding and conclusive on the board of supervisors.

3. The clerk of the county legislative body shall provide to each city and town a written notification of the county equalization rate established for each city and town. The written notification shall be on a form prescribed by the commissioner and it shall be transmitted within

five days from the date of the resolution adopting the county equalization rates established by the county legislative body or within five days of the date of the filing of the county equalization rates established by the commissioners of equalization.

4. The documentary evidence used in determining the county equalization rates for the several cities and towns shall be preserved and an abstract of the same published with the county equalization rates in the proceedings of the board of supervisors.

§ 805. Alternative county tax apportionment. 1. Any county to which this title applies, and which contains a designated large property, as that term is defined in section eight hundred forty-seven of this article, may provide by annual resolution, adopted on or before November first each year, that taxes to be levied for the upcoming fiscal year be apportioned and levied in the manner provided in section eight hundred forty-seven of this article.

2. When a county apportions and levies its taxes as provided in subdivision one of this section, two county equalization rates shall be established for the city or town containing any designated large property. The first county equalization rate shall be the percentage of full value at which all taxable real property is assessed in the city or town containing any designated large property and shall be used to initially apportion the tax in accordance with the provisions of this title. The second county equalization rate shall be the percentage of full value at which all taxable real property, exclusive of any designated large property, is assessed. The second county equalization rate shall be used to reapportion the remaining tax, exclusive of any designated large property, in the manner provided by paragraphs (c) through (f) of subdivision seven of section eight hundred forty-seven of this article.

§ 806. Equalization in special districts located in more than one city or town. 1. Where a special district is located in more than one city or

town, the commissioners or other governing body of such district, or the governing board of any city or town in which the district is located, may, and upon the written request of three or more persons owning or having an interest in real property liable to taxation in such district shall, at least fifteen days before the annual levy of taxes, furnish to the clerk of the board of supervisors, or if the special district is located in more than one county, to the clerk of the board of supervisors of each such county, a statement of the total amount of special ad valorem levies to be raised in such district for the ensuing year and the total assessed valuation of real property therein subject to special ad valorem levies. Such clerk or clerks, as the case may be, shall immediately procure from the commissioner the state equalization rates for each city and town in which the special district is situated and shall compute the full valuation of the real property subject to special ad valorem levies in such district in each city and town by dividing the assessed valuation of such real property in such district in each city and town by the state equalization rate established for such city or town. The board or boards of supervisors, as the case may be, shall levy upon the real property in such district in each city or town such proportion of the total amount of the special ad valorem levies to be raised as is obtained by dividing the full valuation of real property subject to special ad valorem levies in the district in each city or town by the full valuation of all such real property in such district. A new proportion shall be determined for each tax year thereafter by the clerk or clerks, as the case may be, in accordance with the provisions of this section by the use of the latest state equalization rates.

2. If it shall be made to appear to the commissioner that an equalization has been or will be made pursuant to this section and that a state equalization rate for a city or town is inequitable, either with respect to the entire city or town or the portion thereof in which a special district is situated, the commissioner may, if it is possible to certify the same at least fifteen days before the annual levy of taxes, establish a special equalization rate for such city or town or for such portion thereof for the purpose of equalization under this section. Such special equalization rate as finally established shall be furnished by

the commissioner to the clerk of the board of supervisors of each county in which any portion of the special district is situated.

§ 808. Correction of clerical errors in county equalizations. 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.

§ 810. Statement to be forwarded to commissioner. On or before the first day of February in each year, the clerk of the board of supervisors, shall transmit to the commissioner, in the form prescribed by it, a statement for the preceding calendar year showing the aggregate assessed and full valuation of the taxable real property in, and the county equalization rate for, each city and town in the county as determined by the county equalization agency. The time for transmitting such statement may be extended by the commissioner for good cause shown by the clerk of the board of supervisors.

§ 816. Review by state board of real property tax services. The state board of real property tax services shall have power on complaint to review the equalization made by any county equalization agency. Such review shall be brought by filing the complaint with the state board of real property tax services at any time within thirty days from the date on which notice was given pursuant to section eight hundred four of this article. Notice of the hearing on such review shall be given by the

state board of real property tax services to the clerk of the county legislative body, whose duty it shall be to transmit a copy of such notice to each member of the county legislative body and to the chief executive officer of each city and town in the county.

§ 818. Determination on review. 1. On review of the equalization made by the county equalization agency, the state board of real property tax services shall review such equalization and shall determine whether such equalization is fair and equitable and if not, what corrections should be made. The state board of real property tax services shall certify its determination in writing to the county legislative body and to the chief executive officer of each city or town complaining, if any.

2. Such determination shall have the same force and effect as an original equalization made by the county equalization agency within the time prescribed by law.

3. If the state board of real property tax services determines that the equalization made by a county equalization agency in a county containing a designated large property, as that term is described in section eight hundred forty-seven of this article, is not fair and equitable, it shall issue an order directing correction of such equalization, which may include the apportionment and levy of taxes in the manner provided in section eight hundred five of this title.

§ 820. Method of effectuating county equalization revised by commissioner. If the equalization made by the commissioner cannot be completed in time to be substituted for the original equalization made by the county equalization agency, the commissioner shall determine the amount of county taxes paid or payable by the property in any city or town in the county under the original equalization in excess of or less than that which such property in the city or town would have paid under the equalization as made by the commissioner. The excess shall be subtracted, or the deficiency shall be added, from or to the next county tax levy in such city or town.

§ 822. Alternative method of effectuating revised county equalization.

Upon request of the governing body of a city or town, a deficiency which is to be added to the county taxes against the property in such city or town under section eight hundred twenty of this chapter shall be added in not more than five equal annual installments beginning with the next county tax levy. In such event, the excess determined for the property in any city or town under such section shall be subtracted from the county taxes levied thereon in amounts adjusted so that the total of the deficiencies added and the total of the excesses subtracted shall be equal in each such levy. Such installments shall bear no interest.

§ 826. Discontinuance and settlement. 1. A review brought pursuant to section eight hundred sixteen of this chapter may be discontinued and settled at any time prior to the determination thereof without an order of the commissioner by filing with the county clerk an agreement of discontinuance and settlement. The agreement of discontinuance and settlement shall set forth the agreement for the apportionment of the county taxes which are the subject of the review and shall be executed by the mayor or supervisor, as the case may be, of each complainant city or town and of any city or town which would be required by such agreement to pay a greater amount of taxes than required by the original equalization which is the subject of the review. Upon the filing thereof in the office of the county clerk, such agreement shall be binding and conclusive upon the county legislative body and shall constitute the authority of the county legislative body to apportion county taxes in accordance with the terms contained therein.

2. If the agreement is not filed in time to take the place of the original equalization, it shall be effectuated in the next county tax levy following the filing of such agreement in accordance with the provisions of section eight hundred twenty of this chapter, or if the agreement so provides, the amount of any deficiency shall be added to the county taxes against the property in a city or town in not to exceed five equal annual installments beginning with the next county tax levy.

Whenever the agreement provides for installment levy of deficiencies it shall also provide that the excess determined for the property in any city or town shall be subtracted from the county taxes levied thereon in amounts adjusted so that the total of the deficiencies added and the total of the excesses subtracted shall be equal in each levy.

3. Copies of the agreement of discontinuance and settlement shall also be filed in the office of the county treasurer, the commissioner and the clerk of the board of supervisors.

4. Nothing contained herein shall prohibit the discontinuance of a review from a county equalization by the complainant at any time prior to the determination thereof by serving a notice of discontinuance thereof, either personally or by mail, upon all the parties to the proceeding and by filing a copy of the notice with proof of service with the commissioner and the clerk of the county.

§ 828. Effect of adjustment of previous county tax levy on taxing and borrowing power. Deficiencies to be added and excesses to be subtracted pursuant to sections eight hundred twenty, eight hundred twenty-two or eight hundred twenty-six of this chapter shall be deemed to be adjustments of county taxes previously levied on geographical areas of the county and not indebtedness within the meaning of section four of article eight of the state constitution nor taxes raised upon real property within the limitation provided by section ten of article eight of the state constitution.

§ 830. Review of final determinations of commissioner relating to county equalization rates. A final determination of the commissioner relating to county equalization rates established pursuant to this title may be reviewed by the supreme court in the manner provided by article seventy-eight of the civil practice law and rules upon application of an affected city or town. The issue in such a proceeding shall be that described in subdivision four of section seven thousand eight hundred three of the civil practice law and rules.

TITLE 2

ALTERNATIVE METHOD OF COUNTY EQUALIZATION

- Section 840. Application of title.
842. Computation of county equalization rates.
844. Use of county equalization rates.
846. Review.
847. Alternative county tax apportionment.
848. Rules.

§ 840. Application of title. 1. Notwithstanding the provisions of title one of this article or the inconsistent provisions of any general, special, local or other law, a county legislative body may adopt the provisions of this title by a resolution providing for the determination by the commissioner of county equalization rates for each city and town for the purpose of apportioning the next ensuing county tax levy; provided, however, that this title shall not apply if one or more of the cities or towns in the county fails to file an assessor's annual report pursuant to section five hundred seventy-five of this chapter which complies with the rules of the commissioner prior to the last date for the determination of county equalization rates.

2. If an assessor's annual report is not filed within the time prescribed by the commissioner or does not comply with the rules of the commissioner, the commissioner shall so notify the county director of real property tax services. The county director shall take such action as he or she shall deem necessary and appropriate to assist the assessor in preparing and filing or revising and filing such report.

3. If any city or town in a county to which this title is applicable fails to file an assessor's annual report which complies with the rules of the commissioner prior to the last date for the determination of county equalization rates, the commissioner shall notify the county director of real property tax services and the clerk of the county legislative body that the provisions of this title shall not be

applicable to that county for that year and that its county equalization for that year shall be governed by the provisions of title one of this article or such other law as may be applicable.

4. A resolution pursuant to subdivision one of this section shall be adopted on or before the first day of November in any year and shall remain in effect until rescinded by a resolution adopted on or before the first day of November in any subsequent year. The clerk of the county legislative body shall file with the commissioner a copy of any resolution adopted pursuant to this section within five days after its adoption.

§ 842. Computation of county equalization rates. The commissioner shall compute county equalization rates for each county to which this title is applicable by furnishing the final state equalization rates which are established pursuant to article twelve of this chapter for each city and town in the county for the final assessment roll to be completed and filed during the current year or, if such rates are not then available for each city and town in the county, by adjusting the final state equalization rate established pursuant to article twelve of this chapter for each city and town in the county for the final assessment roll required to be completed and filed during the prior calendar year by the appropriate "change in level of assessment", if any, as that term is defined in section twelve hundred twenty of this chapter. On or before the fifteenth day of November, or such other date as may be prescribed by law for the determination of county equalization rates, the commissioner shall certify the county equalization rates to the clerk of the legislative body of each county to which this title is applicable. Within five days of the receipt of such rates, the clerk of the legislative body shall provide to each city and town a written notice of the county equalization rates computed by the commissioner.

§ 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.

§ 846. Review. A final determination of the commissioner relating to county equalization rates established pursuant to this title may be reviewed by the supreme court in the manner provided by article seventy-eight of the civil practice law and rules upon application of an affected city or town.

§ 847. Alternative county tax apportionment. 1. Notwithstanding the

provisions of section eight hundred forty-four of this title, any county to which this title is applicable, and which includes a designated large property, as determined by the commissioner, may provide by annual resolution, adopted on or before November first of each year, that taxes to be levied for the upcoming fiscal year shall be apportioned to each city or town in accordance with the provisions set forth in this section.

2. A designated large property is real property consisting of one parcel on an assessment roll or multiple parcels on an assessment roll under common ownership that meet all of the following criteria:

(a) the large property constitutes five percent or more of the total assessed value used to establish the latest state equalization rate and constitutes five percent or more of the total assessed value of a school district segment of the city or town;

(b) the full value estimate of the large property used by the commissioner to establish the latest state equalization rate is at least five million dollars; and

(c) the percentage difference between the latest state equalization rate and the apportionment equalization rate computed pursuant to subdivision four of this section is at least five percent.

3. Within five days of the establishment of the latest final state equalization rate, the commissioner shall notify both the appropriate county and the assessing unit of such designation. Such notice shall contain instructions for the apportionment of the tax levy in accordance with the provisions of subdivision seven of this section and shall contain an apportionment rate computed in accordance with subdivision four of this section.

4. The apportionment rate shall be the latest final state equalization rate, computed exclusive of the total assessed value or full value estimate of the designated large property.

5. If there is a change in level of assessment between the assessment roll for which the latest final state equalization rate is established and the assessment roll upon which the county tax is levied, the

apportionment rate for county tax apportionment purposes shall be adjusted by multiplying the apportionment rate by the change in level of assessment.

6. Within five days of receiving notification from the commissioner that a designated large property exists, the assessor shall certify to the county the assessed value of the designated large property for the purpose of apportioning and levying taxes. A copy of such certificate shall also be provided to the commissioner.

7. The county shall apportion and levy its taxes as follows:

(a) The tax shall be apportioned in accordance with the provisions of this title.

(b) The amount of tax to be raised from the designated large property shall be determined by multiplying the appropriate assessed value tax rate determined in accordance with paragraph (a) of this subdivision by the taxable assessed value of the designated large property within the county. This shall be the amount of the tax levied upon the designated large property.

(c) The amount of tax for the designated large property determined in paragraph (b) of this subdivision shall be subtracted from the total amount of real property tax to be raised throughout the county.

(d) The resulting tax levy from paragraph (c) of this subdivision shall be reapportioned among all other property within the county, exclusive of the designated large property. This reapportionment shall be done in accordance with this title, except that:

(i) The assessed value of the designated large property shall be subtracted from the assessed value of the appropriate city or town segment used in the initial apportionment of the tax in paragraph (a) of this subdivision.

(ii) The apportionment rate shall be used for the city or town containing the designated large property.

(iii) For all cities and towns not containing the designated large property, the assessed values and equalization rates shall be the same amounts used in paragraph (a) of this subdivision.

(e) Separate assessed value tax rates shall be determined for the designated large property and the other property within the city or town

where the designated large property is located.

(f) In the event that there are multiple designated large properties within the county, the amount of tax to be levied upon each designated large property to be determined in paragraph (b) of this subdivision shall be summed and treated as one amount for determining the amount of tax to be raised from the remaining property in paragraph (c) of this subdivision.

§ 848. Rules. The commissioner shall promulgate rules necessary to the implementation of this title.

ARTICLE 9

LEVY AND COLLECTION OF TAXES

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TITLE 1

LEVY; WARRANT; LIEN DATE

Section 900. Levy and extension of taxes.

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§ 900. Levy and extension of taxes. 1. Not later than the thirty-first day of December in each year, the board of supervisors of each county shall levy the taxes for the county upon the basis of the full valuation of the taxable real property determined in accordance with title one or title two of article eight of this chapter and shall enter in a separate column on the assessment roll of each city and town opposite the assessment of each parcel of real property, the amount to be paid as a tax thereon.

2. The county legislative body may at the expense of the county employ such person or persons as may be deemed necessary to extend the taxes on the final assessment rolls forwarded to it pursuant to the provisions of section five hundred sixteen of this chapter.

3. When taxes are extended on final assessment rolls by the county pursuant to subdivision two of this section, a copy of such assessment rolls with taxes extended shall be prepared and returned to the appropriate city or town clerk where it shall be retained as a public record for a minimum of five years from the date the taxes were extended thereon. Notwithstanding any law to the contrary, and except in a city having a population of five million or more, where a city extends taxes on behalf of a county, the city, shall retain a copy of the assessment roll with taxes extended as a public record for a minimum of five years from the date the taxes were extended thereon.

§ 901. Collection of unpaid housing code violation penalties in the city of Syracuse; levy. 1. Authorization. In addition to and not in limitation of any power otherwise granted by law, the city of Syracuse is hereby authorized to collect any unpaid housing, building and fire code violation penalties, costs and fines through placement by the city's commissioner of finance on the city's annual tax levy in accordance with the provisions of this section.

2. Eligibility. In order to be eligible for placement on the city of Syracuse's annual tax levy such unpaid code violation penalties, costs

and fines shall have been adjudicated and imposed through a judgment in a court of competent jurisdiction or the city of Syracuse's codes violation bureau established pursuant to section three hundred eighty of the general municipal law, on an owner of real property within the city and recorded by the county clerk, as certified by the city's corporation counsel to the commissioner of finance and have remained unpaid for one year after the final adjudication and exhaustion of all appeals relating to the imposition of the fines for a code violation preceding the placement on the city's tax levy.

3. Minimum amount owed. To qualify for placement on the tax levy the amount owed for unpaid code violations must be at least five percent of the amount of the tax assessed value of the property.

4. Levy. Such code violation penalty, cost or fine as set forth in a copy of the judgment certified by the corporation counsel to the commissioner of finance shall be set down in the annual tax levy under the heading uncollected fines and penalties and in accordance with this section shall be levied, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general city tax and as a part thereof.

5. Notice. The city of Syracuse shall notify all owners or known interested parties of record of the placement of the code violations on the municipal tax levy as uncollected fines and penalties within thirty days of placement, pursuant to section three hundred eight of the civil practice law and rules. The notice shall include the date or dates of such violations, the description of the violations, the amount owed, a statement detailing the foreclosure process that will occur if the violations remain unpaid, the process to claim any surplus funds and the contact information for the city's office in charge of receiving payments.

6. Tax year. Any unpaid code violations shall be placed on the tax roll the city of Syracuse is currently in and shall not be placed on a list, roll or levy of delinquent taxes.

7. Owner occupied. Notwithstanding any other applicable provisions of law, nothing in this section shall be applied to a residential dwelling that is owner-occupied or is the primary residence of a homeowner.

8. Tenants. Prior to the placement of any property with unpaid code violations on the tax levy, the city of Syracuse shall develop a program to assist tenants residing in a dwelling at risk for tax foreclosure due to unpaid code violations. Such program shall include housing counseling assistance or other support in relocating the tenants to suitable housing prior to the tax foreclosure.

9. Payment plan. Nothing in this section shall preclude an owner or landlord from entering into a payment plan with the city of Syracuse for past amounts due for code violations.

10. Curing code violations. (a) If all of the violations for which the penalties, fees and costs have been assessed are cured, removed or corrected prior to the expiration of the period for redemption set forth by the city of Syracuse for the city's annual tax levy, the property shall be removed from the levy and auction and the balance of the amount owed shall be placed as a lien on the property pursuant to applicable laws for debt collection and an action for foreclosure of the property shall not be maintained for the amount owed.

(b) The determination of whether or not the code violations have been cured shall be made by the city of Syracuse's enforcing officer in charge of ensuring compliance with applicable housing, building, and fire codes such as a code enforcement officer. An appeal of this determination may be made to the city's zoning board of appeals or other local administrative body as provided for in local law. The final determination made by the administrative body shall be reviewable pursuant to article seventy-eight of the civil practice law and rules.

(c) This section shall not be applicable to any cause of action brought for money due based on the curing of code violations under any form for receivership or a mechanics lien.

11. Payment prior to auction. (a) If the balance owed for code

violations placed on the tax levy is paid prior to the expiration of the period for redemption set forth by the city of Syracuse for the city's annual tax levy and there is no balance due for unpaid real property taxes, the property may not be auctioned, and the property shall be removed from the tax levy.

(b) The owner shall have the right to pay the full balance prior to the expiration of the period for redemption set forth by the city of Syracuse for the city's annual tax levy in order to redeem the property.

12. Surplus. Any surplus funds remaining after the sale of a property at a tax foreclosure for unpaid code violations shall be returned to the former owner of the property in a manner provided under local law. This provision shall not apply to a sale of a property at a tax foreclosure due to unpaid taxes. If a property has both unpaid taxes and unpaid code violations on the same tax levy and is auctioned at a tax foreclosure the amount of the surplus funds returned to the former owner shall be proportionate to the amount of unpaid code violations owed in the total amount of debt owed to the city of Syracuse. For the purpose of this section, "surplus funds" shall mean the balance of money received after auction of a property at a tax foreclosure sale minus the amount owed for code violations and the costs and attorneys' fees incurred in the collection of the fees by the city.

13. Balance due. If after an auction a balance is due for code violations, the city of Syracuse may proceed with any action against the former owner pursuant to applicable laws.

14. Exclusions. The provisions of this section shall not apply if the city of Syracuse sells their tax liens in a tax lien sale.

§ 902. Lien date. The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the board of supervisors shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.

§ 904. Warrant; tax roll. 1. Not later than the thirty-first day of December in each year, the county legislative body shall annex to or, in the case of assessment rolls prepared in accordance with the provisions of article fifteen-C of this chapter, file with the assessment roll of each city and town a warrant, bearing the seal of the board and signed by the chairman and clerk thereof, authorizing and directing the collecting officer of the city or town to collect, not later than the following April first, from the several persons and corporations named on such roll, the amounts listed opposite their respective names, together with any interest or penalties thereon prescribed by law. The assessment roll of each city and town shall, at the time the warrant is annexed thereto, or filed therewith, become the tax roll thereof and it or a certified copy thereof shall be delivered to the collecting officer not later than the thirty-first day of December in each year.

2. The warrant shall further direct the payment of all amounts collected not later than one week from the date of expiration of the warrant, in the case of a collecting officer of a city, to the treasurer of the county and in the case of a collecting officer of a town (a) to the supervisor thereof, an amount equal to the sum levied for town purposes and such other amounts as may be required by law to be paid to the supervisor and (b) to the county treasurer, the residue of the amount collected.

3. If the amounts levied for a special purpose in a city or town are required by law to be paid to any person other than those named in this section, the warrant shall be varied accordingly.

4. The warrant shall authorize the collecting officer to enforce the collection of taxes as provided in section nine hundred twenty-six of this chapter.

§ 905. Collection of unpaid housing code violation penalties; levy. 1. Authorization. In addition to and not in limitation of any power otherwise granted by law, the the city of Buffalo is hereby authorized

to collect any unpaid housing, building and fire code violation penalties, costs and fines through placement by the city's commissioner of finance on the city's annual tax levy in accordance with the provisions of this section.

2. Eligibility. In order to be eligible for placement on the city of Buffalo's annual tax levy such unpaid code violation penalties, costs and fines shall have been adjudicated and imposed through a judgment in a court of competent jurisdiction on an owner of real property within the city and recorded by the county clerk, as certified by the city's corporation counsel to the commissioner of finance and have remained unpaid for one year after the final adjudication and exhaustion of all appeals relating to the imposition of the fines for a code violation preceding the placement on the city's tax levy.

3. Minimum amount owed. To qualify for placement on the tax levy the amount owed for unpaid code violations must be at least five percent of the amount of the tax assessed value of the property.

4. Levy. Such code violation penalty, cost or fine as set forth in a copy of the judgment certified by the corporation counsel to such commissioner of finance shall be set down in the annual tax levy under the heading uncollected fines and penalties and in accordance with this section shall be levied, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the tax levy of such municipality and as a part thereof.

5. Notice. The city of Buffalo shall notify all owners or known interested parties of record of the placement of the code violations on the city tax levy as uncollected fines and penalties within thirty days of placement, pursuant to section three hundred eight of the civil practice law and rules. The notice shall include the date or dates of such violations, the description of the violations, the amount owed, a statement detailing the foreclosure process that will occur if the violations remain unpaid, the process to claim any surplus funds and the contact information for the city's office in charge of receiving

payments.

6. Tax year. Any unpaid code violations shall be placed on the tax roll the city of Buffalo is currently in and shall not be placed on a list, roll or levy of delinquent taxes.

7. Owner occupied. Notwithstanding any other applicable provisions of law, nothing in this section shall be applied to a residential dwelling that is owner-occupied or is the primary residence of a homeowner.

8. Tenants. Prior to the placement of any property with unpaid code violations on the tax levy, the city of Buffalo shall develop a program to assist tenants residing in a dwelling at risk for tax foreclosure due to unpaid code violations. Such program shall include housing counseling assistance or other support in relocating the tenants to suitable housing prior to the tax foreclosure.

9. Payment plan. Nothing in this section shall preclude an owner or landlord from entering into a payment plan with the city of Buffalo for past amounts due for code violations.

10. Curing code violations. (a) If all of the violations for which the penalties, fees and costs have been assessed are cured, removed or corrected prior to the expiration of the period for redemption pursuant to section eleven hundred ten of this chapter, the property shall be removed from the levy and auction and the balance of the amount owed shall be placed as a lien on the property pursuant to applicable laws for debt collection and an action for foreclosure of the property shall not be maintained for the amount owed.

(b) The determination of whether or not the code violations have been cured shall be made by the city of Buffalo's enforcing officer in charge of ensuring compliance with applicable housing, building, and fire codes such as a code enforcement officer. An appeal of this determination may be made to the city's zoning board of appeals or other local administrative body as provided for in local law. The final determination made by the administrative body shall be reviewable pursuant to article seventy-eight of the civil practice law and rules.

(c) This section shall not be applicable to any cause of action brought for money due based on the curing of code violations under any form for receivership or a mechanic's lien.

11. Payment prior to auction. (a) If the balance owed for code violations placed on the tax levy is paid prior to the expiration of the period for redemption pursuant to section eleven hundred ten of this chapter and there is no balance due for unpaid real property taxes, the property may not be auctioned, and the property shall be removed from the tax levy.

(b) The owner shall have the right to pay the full balance prior to the expiration of the period for redemption pursuant to section eleven hundred ten of this chapter in order to redeem the property.

12. Surplus. Any surplus funds remaining after the sale of a property at a tax foreclosure for unpaid code violations shall be returned to the former owner of the property in a manner as provided under local law. For the purpose of this section, "surplus funds" shall mean the balance of money received after auction of a property at a tax foreclosure sale minus the amount owed for code violations and the costs and attorneys' fees incurred in the collection of the fees by the city.

13. Balance due. If after an auction a balance is due for code violations, the city of Buffalo may proceed with any action against the former owner pursuant to applicable laws.

14. Exclusions. The provisions of this section shall not apply to any municipality that sells their tax liens in a tax sale.

§ 906. County treasurer to be furnished certain statements. 1. Upon completion of the tax rolls, the clerk of the board of supervisors shall deliver to the county treasurer an abstract of such rolls stating the names of the collecting officers, the amount which each is to collect, the purpose for which it is to be collected and the persons to whom and the time within which it is to be paid. Upon receiving such account, the county treasurer shall charge to each collecting officer the amount to

be collected by him.

2. Upon completion of the tax rolls, the clerk of the board of supervisors shall deliver to the county treasurer a statement showing the names of all railroad, telegraph, telephone, electric, gas, water and pipe line corporations and persons assessed for oil and gas rights liable for taxes or special ad valorem levies on such rolls, the assessment of the real property owned by each and the amount due thereon in each city and town in the county. At the request of a corporation or person named on the statement, the county treasurer shall mail a copy of the statement to such corporation or person. The county treasurer may charge a reasonable fee, not to exceed twenty-five dollars, for the cost of producing and mailing the statement.

* TITLE 1-A

**DEMONSTRATION PROGRAM FOR THE IMPOSITION
OF DIFFERENTIAL TAX RATES IN
THE CITY OF AMSTERDAM**

Section 907. Differential tax rates for land and improvements.

908. Separate entries for land and improvements.

909. Inapplicability of title.

* NB Expired July 1, 2001

* **§ 907. Differential tax rates for land and improvements.** 1. Except as provided by section nine hundred nine of this title, the city of Amsterdam is hereby authorized to enact a local law, ordinance or resolution providing for the imposition of taxes for city purposes at separate and different rates for land and improvements. For purposes of this title, the term "improvements" means real property as defined in paragraph (b) of subdivision twelve of section one hundred two of this chapter.

2. The tax rates imposed in accordance with this title shall be determined in accordance with the provisions of the local law, ordinance or resolution enacted pursuant to this section, except that the tax rate

imposed upon improvements may not exceed the tax rate imposed upon land.

3. The provisions of this title shall not apply to property assessed pursuant to article six of this chapter or to property for which ceiling assessments are established pursuant to titles two-A and two-B of article four of this chapter. The rate of tax imposed on such property shall be determined as if all real property on the assessment roll were taxed at the same rate.

4. In no event shall the provisions of this title be construed to authorize the imposition of real property taxes in excess of the limitation established by the state constitution.

* NB Expired July 1, 2001

*** § 908. Separate entries for land and improvements.** 1. The city assessor shall prepare the assessment roll in accordance with the provisions of section five hundred two of this chapter, except that provision shall be made for the separate entry on the assessment roll of the amount of the total assessment allocated to improvements.

2. The tax levying body of the city of Amsterdam shall make provision for separate entries of the amount of tax to be paid on the assessment of the land component and the assessment of the improvements component of each parcel of real property.

3. Notwithstanding the provisions of subdivision three of section five hundred two of this chapter, the assessment of land and the assessment of improvements shall be subject to individual review pursuant to articles five and seven of this chapter without regard to the total assessment of the parcel.

* NB Expired July 1, 2001

*** § 909. Inapplicability of title.** The provisions of this title may not be adopted if the city of Amsterdam elects to adopt the provisions of article nineteen of this chapter.

TITLE 2

PRIORITY AND PARITY OF TAX LIENS

Section 910. Tax district.

912. Priority of tax liens.

914. Parity of tax liens.

§ 910. Tax district. The term "tax district" as used in this title means (a) a county, city, town, village, school district or special district, having the power to levy, assess and enforce the collection of taxes, special ad valorem levies, special assessments or other charges imposed upon real property by or on behalf of a municipal corporation or special district or (b) a city school district governed by article fifty-one of the education law.

§ 912. Priority of tax liens. All tax liens of tax districts which become liens against a parcel of real property in the same calendar year shall have priority over all tax liens of preceding years against such parcel except that where a general, special or local law provides that a tax district holding and owning a tax lien for levies imposed by it has rights of priority different from other holders or owners thereof, the tax liens of such tax district shall rank in priority as provided in such law.

§ 914. Parity of tax liens. All tax liens of tax districts which become liens against a parcel of real property in the same calendar year shall rank on a parity except that where a general, special or local law provides that a tax district holding and owning a tax lien for levies imposed by it has rights of priority or parity different from other holders or owners thereof, the tax liens of such tax district shall rank in priority as provided in such law.

TITLE 3

COLLECTION OF TAXES; RETURN OF COLLECTING OFFICER

- Section 920. Notice of receipt of tax roll and warrant.
922. Statement of taxes to be mailed.
923. Duplicate tax statements for elderly and disabled property owners.
924. Collection of taxes; interest.
- 924-a. Interest rate on late payment of taxes and delinquencies.
- 924-b. Waiver of interest or penalties or other charges on brownfield properties.
925. Payment of taxes by mail or designated delivery service.
- 925-a. Extension of time for collection.
- 925-b. Extension; certain persons sixty-five years of age or over.
- 925-c. Payment of real property taxes via the internet.
- 925-d. Deployed military; extension.
926. Personal liability for taxes; optional method of collection.
- 926-a. Liability for taxes of owners and renters of certain residential property.
- 928-a. Partial payment of taxes.
930. Payment of taxes to county treasurer by certain utility corporations.
931. Payment of taxes to county treasurer by certain utility corporations with respect to single payments for multiple parcels.
932. Payment of taxes on part of a parcel of real property.
934. Apportionment of taxes by county court.
936. Return of unpaid delinquent taxes.
938. Extension of time for collection.
940. Payment of amounts collected.
942. Payment of taxes to county treasurer after return of collecting officer.
944. Power of county court upon default of collecting officer.
946. Retention of tax roll.
948. Losses by default of collecting officer or treasurer.

950. Satisfaction of undertaking of collecting officer.

§ 920. Notice of receipt of tax roll and warrant. 1. Upon receipt of the tax roll and warrant, the collecting officer of each city and town shall cause a notice to be published once a week for two successive weeks in the official newspaper of such city or town, or if no newspaper has been designated the official newspaper, in a newspaper having general circulation in the city or town, that he has received such roll and warrant. In addition, the collecting officer of each town shall cause a copy of the published notice to be posted on the sign-board maintained for the posting of legal notices at the entrance of the town clerk's office pursuant to subdivision six of section thirty of the town law.

2. Such notice shall specify one or more convenient places in the city or town where he will receive the taxes listed on the roll on at least three days during usual business hours, and if in a city on at least five days, in each week during the month of January, which days shall be set forth in the notice.

3. Such notice shall also contain a statement of the interest required to be added by section nine hundred twenty-four of this chapter and the date for the return of unpaid taxes to the county treasurer.

§ 922. Statement of taxes to be mailed. 1. (a) Upon receipt of the tax roll and warrant, the collecting officer shall mail or, subject to the provisions of section one hundred four of this chapter, transmit electronically to each owner of real property at the tax billing address listed thereon a statement showing the amount of taxes due on the property. The statement must contain:

- (i) the mailing address of the owner;
- (ii) a description sufficient to effectively apprise the recipient of the identity and location of the parcel for which it is issued;
- (iii) the taxes due on such parcel and the data used to calculate the amount due, including but not limited to: the full value of the parcel

as determined by the assessor; the uniform percentage of value applicable to the assessing unit (or, in a special assessing unit, the uniform percentage of value applicable to the class) pursuant to section three hundred five of this chapter; the total assessed value of the parcel; the assessed value of the exemptions applied to such parcel for each taxing purpose and the full value which each such exemption represents; the taxable assessed value of the parcel for each taxing purpose; and the tax rate for each taxing purpose;

(iv) the total amount of taxes levied for each taxing purpose, and the percentage increase or decrease in such amount relative to the preceding levy;

(v) the period covered by the taxes;

(vi) the time, manner and places fixed for receiving payments of taxes;

(vii) the name and address of the collecting officer;

(viii) the interest and penalties which shall accrue if payment is not timely made;

(ix) a legend stating "if you wish to receive a receipt for payment of this tax bill, place an 'x' in this box { }";

(x) explanations of any abbreviations or technical terms used in the statement of taxes;

(xi) if school district taxes are included on the statement, the school district code established by the department of taxation and finance;

(xii) an explanation of the assessment review process;

(xiii) such other information as may be prescribed by law;

(xiv) if, not later than ten days after the filing of the preceding tentative assessment roll, the assessing unit mailed to each owner of taxable real property a notice in a form prescribed by the commissioner containing the information described by subparagraphs (iii) and (xii) of this paragraph (excluding the taxes due on the parcel and the tax rate for each taxing purpose), the statement of taxes need not include the information prescribed by subparagraph (xii) of this paragraph; and

(xv) notwithstanding any general, special or local law to the contrary, if the taxes set forth in the statement are payable in installments such statement shall clearly disclose the due dates for payment of such installments without interest or penalties.

(b) In addition, in the event that at any time prior to the expiration of his warrant the collecting officer shall receive notice of a transfer of title to real property occurring subsequent to the taxable status date, such collecting officer shall mail a statement of taxes to the new owner of such real property at the tax billing address listed thereon if the amount of taxes due as listed on the tax roll has not been paid.

(c) Nothing contained in this section shall be construed to preclude the personal delivery of a bill to an owner or mortgage investing institution and where a bill is so delivered, a reference in this chapter to the mailing of such bill shall be deemed a reference to the delivery of such bill, unless the context clearly indicates otherwise.

(d) Upon resolution duly adopted by the council of a city, or town board of a town, the collecting officer shall cause to be enclosed with the statement showing the amount of tax due, a summary of the adopted municipal budget and an explanation of the computation of the tax rate.

1-a. The collecting officer shall further enclose with each such statement a notice that any taxpayer who owns residential real property consisting of no more than three family dwelling units and who is age sixty-five or over or who is disabled is eligible for a third party notification procedure if desired. Such notice shall state that any eligible taxpayer wishing to participate in such procedure must designate an adult third party to receive notification, that the designated third party must consent to such notification, where the appropriate application form may be obtained, and that an application form must be filed with the collecting officer of the appropriate municipal corporation no later than a specific date, as chosen by resolution of the legislative body of such municipal corporation, which date shall be no earlier than sixty days prior to the levy of taxes by or on behalf of such municipal corporation. Duplicates of subsequent tax bills and notices of unpaid taxes shall be mailed to such third party until such time as the property owner or an administrator or executor of the estate of such property owner notifies the collecting officer in writing that third party procedure should cease or until such time as a change of ownership is indicated on the tax roll or the collecting officer receives notice of a change of ownership pursuant to section five hundred seventy-four of this chapter. The collecting officer shall

mail an application form to any eligible taxpayer who requests the same and who includes a self-addressed, stamped envelope with such request.

1-b. The collecting officer, upon request by the landowner receiving the agricultural assessment, shall disclose the dollar value of the reduction in the tax liability attributable to land receiving such agricultural assessment.

1-c. Each statement of taxes pertaining to residential property shall contain or be accompanied by a notice or legend reading substantially as follows: "IF YOU ARE A SENIOR CITIZEN, A PERSON WITH A PHYSICAL DISABILITY AND/OR A VETERAN, YOU MAY BE ENTITLED TO A PARTIAL EXEMPTION FROM PROPERTY TAXES. Eligible homeowners have until (insert date) to apply for such exemptions. For further information please call or write the assessor's office" followed by the telephone number and address of that office.

2. The cost of the statements and postage shall be a charge against the city or town.

3. The failure to mail any such statement, or the failure of the addressee to receive the same, shall not in any way affect the validity of the taxes or interest prescribed by law with respect thereto.

§ 923. Duplicate tax statements for elderly and disabled property owners. 1. Definitions. For purposes of this section:

(a) "eligible taxpayer" shall mean a senior citizen or disabled owner-occupant of residential real property consisting of no more than three family dwelling units;

(b) "disabled" shall mean (i) a physical or mental impairment, including, but not limited to, those of neurological, emotional or sensory origins, which substantially limits one or more of such person's major life activities; (ii) a record of such an impairment; or (iii) is regarded as having such an impairment as certified by a licensed physician of this state;

(c) "enforcing officer" shall mean the officer responsible to enforce

the collection of unpaid real property taxes;

(d) "senior citizen" shall mean a person who is sixty-five years of age or older as of the last date on which an application pursuant to this section may be made.

2. An eligible taxpayer may request a duplicate tax statement and a duplicate copy of any statement relative to unpaid real property taxes which are required by this chapter or any special act, local law, charter or administrative code to be sent to an adult third party. Such request shall be made on a form prescribed by the commissioner and shall be submitted to the collecting officer of the municipal corporation in which the eligible taxpayer resides no later than the date adopted by the legislative body of such municipal corporation pursuant to section nine hundred twenty-two of this title. Such form shall provide a section whereby the designated third party shall authorize consent to such designation. Such request for a duplicate tax statement and a duplicate copy of any statement relative to unpaid real property taxes shall be effective upon receipt by the collecting officer.

3. The collecting officer shall maintain a list of all eligible property owners residing in such municipal corporation who have requested duplicate tax statements and a duplicative copy of any statement relative to unpaid real property taxes. The collecting officer shall forward a copy of the eligible taxpayer's request to the enforcing officer of such municipal corporation, who shall maintain a list of such eligible taxpayers for the purposes of complying with the provisions of this section.

4. A duplicate tax statement shall be sent by the collecting officer to the third party designated by an eligible taxpayer at the same time and in the same manner as the statement of taxes is given to the eligible taxpayer. Such duplicate tax statement shall carry the following legend, either imprinted thereon or on an enclosure:

"Duplicate Tax Statement. This statement is sent to you at the request of the property owner shown on the statement in the expectation that you will help the property owner avoid late payment of the enclosed tax bill, although you are under no legal obligation to do so. Your

cooperation and assistance are greatly appreciated."

5. A duplicate copy of any statement relative to unpaid taxes required by this chapter or any special act, local law, charter or administrative code shall be mailed to the third party designated by the eligible taxpayer at the same time and in the same form as the statement of unpaid taxes is given to the eligible taxpayer. Such duplicate copy of such statement shall carry the following legend, either imprinted thereon or on an enclosure:

"Duplicate Delinquency Statement. This statement is sent to you at the request of the property owner shown on the statement in the expectation that you will help the property owner to make payment of the delinquent taxes indicated on the enclosed notice of delinquency, although you are under no legal obligation to do so. Your cooperation and assistance are greatly appreciated."

6. Failure to mail any duplicate statement required by this section, or the failure of any third party to receive the same, shall not affect the validity of the levy, collection or enforcement of such taxes.

§ 924. Collection of taxes; interest. 1. The collecting officer shall receive taxes at the times and places set forth in the notice of receipt of the tax roll and warrant and at any other time or place during usual business hours during the period of collection.

2. Taxes shall be received without interest by the collecting officer on or before the thirty-first day of January or within thirty days of the date of the receipt of the tax roll and warrant pursuant to section nine hundred twenty of this title, whichever is later. On all taxes received after such day, there shall be added interest as determined pursuant to section nine hundred twenty-four-a of this chapter for the month of February or fraction thereof and for each additional month or fraction thereof until such taxes are paid or until the return of unpaid taxes to the county treasurer pursuant to law; provided, however, if the last date for payment of taxes without interest shall occur on the last day of February or in the month of March, there shall be added interest

as determined pursuant to section nine hundred twenty-four-a of this chapter for the month of March or fraction thereof and for each additional month or fraction thereof until such taxes are paid or until the return of unpaid taxes to the county treasurer pursuant to law.

3. All interest received by the collecting officer shall belong to the city or town and shall be paid over to the treasurer or chief fiscal officer of the city or to the supervisor of the town.

§ 924-a. Interest rate on late payment of taxes and delinquencies. 1. The amount of interest to be added on all taxes received after the interest free period and all delinquent taxes shall be one-twelfth the rate of interest as determined pursuant to subdivision two or two-a of this section rounded to the nearest one-hundredth of a percentage point, except as otherwise provided by a general or special law, or a local law adopted by a city pursuant to the municipal home rule law or any special law. Such interest shall be added for each month or fraction thereof until such taxes are paid.

2. The rate of interest applicable to the third calendar quarter of each year, as set by the commissioner of taxation and finance pursuant to subparagraph (A) of paragraph two of subsection (j) of section six hundred ninety-seven of the tax law, shall be the rate of interest applicable to unpaid real property taxes for purposes of this section. Such commissioner shall set such rate on or before the fifteenth day of July in each year. Such rate shall be effective for all warrants issued for a collection period commencing on or after the first day of September next succeeding the date the rate of interest is set. Provided, however, the rate of interest prescribed by this subdivision shall in no event be less than twelve per centum per annum. The commissioner shall inform each affected municipality of any change in the rate established pursuant to this subdivision.

2-a. Notwithstanding the provisions of subdivision two of this section, the Schenectady county legislature may adopt, amend or repeal a local law to prescribe the rate of interest at fifteen per centum per

annum.

3. In any case where a county, by local law, has authorized the collection of such property taxes in installments, such local law may establish an interest rate in such local law to be paid in such installments which is less than the interest rate provided for in subdivision two of this section. Where such local law does not establish such a lower interest rate, such rate shall be the rate determined in accordance with subdivision two of this section.

§ 924-b. Waiver of interest or penalties or other charges on brownfield properties. Notwithstanding any provision of law to the contrary, the governing body of any tax district shall be authorized, by resolution, to permit the enforcing officer to effect the cancellation in whole or in part of any interest, penalties or other charges on real property where such real property is subject to a brownfield site clean-up agreement entered into by a volunteer pursuant to section 27-1409 of the environmental conservation law. Provided, however, that in cases where such interest, penalties, or other charges, if collected by a tax district, belong to a municipal corporation within such tax district, no reduction or remission in whole or in part of such interest, penalties, or other charges shall be made without the consent of the municipal corporation affected, which consent may be given by resolution adopted after a public hearing. Failure of such real property to receive a certificate of completion pursuant to section 27-1419 of the environmental conservation law or revocation of such certificate shall be grounds for revocation of any waiver of interest, penalties, or charges granted pursuant to this section.

§ 925. Payment of taxes by mail or designated delivery service. 1. (a) Notwithstanding any contrary provision of this chapter, or of any general, special or local law, code or charter, if payment for the amount of any taxes on real property, accompanied by the statement of such taxes, is enclosed in a postpaid wrapper properly addressed to the appropriate collecting officer and is deposited in a post office or

official depository under the exclusive care and custody of the United States postal service, such payment shall, upon delivery, be deemed to have been made to such officer on the date of the United States postmark on such wrapper. If the postmark does not appear on such wrapper or the postmark is illegible such payment shall be deemed to have been made on the date of delivery to such collecting officer. As used in this section, "taxes on real property" includes special ad valorem levies and special assessments.

(b) The provisions of this subdivision shall not apply to a payment that has been made electronically pursuant to section five-b of the general municipal law, but shall apply to a payment that has been mailed via the United States postal service by a financial institution acting pursuant to instructions given to it by a taxpayer electronically.

2. The provisions of subdivision one of this section shall be applicable to a payment delivered by a delivery service designated by the secretary of the treasury of the United States pursuant to section seventy-five hundred two of the internal revenue code, subject to any withdrawals and additions made pursuant to subparagraph (A) of paragraph two of subsection (a) of section six hundred ninety-one of the tax law. The commissioner shall inform each affected municipality of any change in designated delivery services.

3. Any reference in subdivision one of this section to a United States postmark shall be treated as including a reference to any date recorded or marked in the manner described in section seventy-five hundred two of the internal revenue code by a designated delivery service.

4. The provisions of this subdivision shall not apply in the case of postmarks not made by the United States post office or a designated delivery service.

5. Notwithstanding the foregoing provisions of this section, in cities having a population of one million or more, any reference in subdivision one of this section to the United States post office shall be treated as including a reference to any delivery service designated by the secretary of the treasury of the United States pursuant to section

seventy-five hundred two of the internal revenue code and any reference in subdivision one of this section to a United States postmark shall be treated as including a reference to any date recorded or marked in the manner described in section seventy-five hundred two of the internal revenue code by a designated delivery service. If the commissioner of finance of any such city finds that any delivery service designated by such secretary is inadequate for the needs of such city, the commissioner of finance may withdraw such designation for purposes of this title. The commissioner of finance may also designate additional delivery services meeting the criteria of section seventy-five hundred two of the internal revenue code for purposes of this title, or may withdraw any such designation if the commissioner of finance finds that a delivery service so designated is inadequate for the needs of the city. Any reference in subdivision one of this section to the United States post office shall be treated as including a reference to any delivery service designated by the commissioner of finance and any reference in subdivision one of this section to a United States postmark shall be treated as including a reference to any date recorded or marked in the manner described in section seventy-five hundred two of the internal revenue code by a delivery service designated by the commissioner of finance.

§ 925-a. Extension of time for collection. 1. Notwithstanding any contrary provision of this chapter, or of any general, special or local law, code or charter, if the final date for collection of taxes, or for the collection of taxes without penalty, or for the collection of taxes at a lesser prescribed penalty interest rate shall fall on a Saturday, Sunday or public holiday, an extension for the collection of taxes shall automatically be in effect until the first business day following such date and the date for paying over taxes shall be extended to the following day.

2. Notwithstanding any provision of law to the contrary, during a state disaster emergency as defined by section twenty of the executive law, the governor may, by executive order issued upon the request of the chief executive officer of a county, city, town, village or school

district in the affected area, extend by up to twenty-one days the final date for paying taxes without interest or penalty in such county, city, town, village or school district. If such an extension is granted, and any taxes are not paid by the final date so provided, those taxes shall be subject to the same interest and penalties that would have applied if no extension had been granted.

§ 925-b. Extension; certain persons sixty-five years of age or over.

Notwithstanding any contrary provision of this chapter, or any general, special or local law, code or charter, the governing body of a municipal corporation other than a county may, by resolution adopted prior to the levy of any taxes on real property located within such municipal corporation, authorize an extension of no more than five business days for the payment of taxes without interest or penalty to any resident of such municipal corporation who has received an exemption pursuant to subdivision four of section four hundred twenty-five or four hundred sixty-seven of this chapter, or a credit pursuant to subsection (eee) of section six hundred six of the tax law, related to a principal residence located within such municipal corporation. If such an extension is granted, and any taxes are not paid by the final date so provided, those taxes shall be subject to the same interest and penalties that would have applied if no extension had been granted.

§ 925-c. Payment of real property taxes via the internet.

Notwithstanding any contrary provision of this chapter, or of any general, special or local law, code or charter, real property taxes may be paid via the internet under the terms and conditions set forth in section five-b of the general municipal law.

§ 925-d. Deployed military; extension. Notwithstanding any other provision of law which relates to the collection of real property tax owed to a municipal corporation or to the imposition of penalties or interest therefor for a late payment owed by a person who has been deployed by the military or by the spouse or domestic partner of such

person for real property of a person so deployed, any deadline with respect to the payment of such real property tax shall be extended for a period of ninety days after the end of such deployment if such municipal corporation has passed a local resolution authorizing such extension. For purposes of this section a "person deployed by the military" shall mean a person who has been ordered to active military duty, other than training, for the period beginning with a declaration of war by Congress and ending with a date prescribed by Presidential proclamation or concurrent resolution of Congress or during any periods of combat designated by presidential executive order or hazardous duty. Any payment on behalf of such deployed person, spouse or domestic partner from a real property tax escrow account shall likewise be so extended consistent with the provisions of this section.

§ 926. Personal liability for taxes; optional method of collection. *

1. The owner of real property, or of an interest therein, if a resident of the city or town in which such property or interest therein is assessed and if his name is correctly entered on the roll, shall be personally liable for the taxes levied thereon. The term "resident" shall include a corporation having within such city or town a place for the regular transaction of business or in actual possession of real property therein.

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

* 1. The owner of real property, or of an interest therein, including the interest of a renter pursuant to section three hundred four of this chapter, if a resident of the city or town in which such property or interest therein is assessed and if his name is correctly entered on the roll, shall be personally liable for the taxes levied thereon. The term "resident" shall include a corporation having within such city or town a place for the regular transaction of business or in actual possession of real property therein. The owner of real property, or his designated agent shall enter on the roll the interest of the renter pursuant to section three hundred four of this chapter.

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

2. After the thirty-first day of January, the collecting officer may

call on any person personally liable for unpaid taxes listed on the roll and demand payment thereof. If any such person refuses to pay the taxes demanded, the collecting officer may levy upon any personal property in the county belonging to or in the possession of such person and, unless the taxes are paid prior thereto, cause the same to be sold at public auction for the purpose of paying the taxes due and the expense of levy and sale.

3. Public notice of the time and place of such auction shall be posted in at least three public places in the city or town where the sale is to take place for at least six days immediately prior thereto.

4. Any surplus from the proceeds of the sale after payment of the taxes due and the expenses of levy and sale shall be paid to the person liable for the taxes unless a claim therefor is made by some other person on the ground that the property sold belonged to him. If the person liable for the taxes admits the validity of such claim, the surplus shall be paid to the person making the claim, otherwise it shall be paid to the chief fiscal officer of the city or town who shall retain the same until the rights of the parties have been determined in accordance with law or by agreement of the parties. Either party may bring an action against the other to recover such surplus and, for the purposes of the action, the defendant shall be deemed to be in possession thereof. The successful party shall, in addition to such surplus, be entitled to the costs of the action. In an action brought pursuant to this subdivision, no other cause of action shall be joined, nor any set-off or counterclaim allowed.

5. If upon application of a collecting officer or the county treasurer, it appears that taxes on a parcel of real property cannot be collected because the owner personally liable therefor has moved to another county in the state, the county court shall issue an order directed to the sheriff of such other county to collect such taxes with interest at the rate of eight per centum per annum from the date of the order by levy and sale of the personal property of such owner. Such order shall be filed in the office of the clerk of the county in which it was granted and a certified copy thereof delivered to the sheriff of

such other county. Upon receiving such order, the sheriff shall comply therewith and shall be entitled to the same fees and subject to the same liabilities and penalties for neglect as in the case of an execution from a court of record. The sheriff shall pay the net amount received to the county treasurer of the county from which the order was issued who shall credit such amount to the appropriate city or town.

*** § 926-a. Liability for taxes of owners and renters of certain residential property.** 1. Notwithstanding the provisions of any other law to the contrary, a renter whose interest has been described in section three hundred four of this chapter shall be personally liable for the taxes levied on such interest.

2. The owner of the real property where such a renter is an occupant shall be deemed an agent of the collecting officer of the municipality in which the real property is located for the purposes of collecting the taxes due from each tenant personally liable for taxes.

3. Notwithstanding any other provisions of law, the payments by the renter, whose property has been assessed pursuant to subdivision five of section three hundred four of this chapter shall be made in two separate amounts consisting of basic rent and the real property tax due from the rental unit occupied by such renter. Each real property tax payment shall be determined by dividing the total real property taxes due annually by twelve and paid in equal monthly installments. The owner of real property or his designated agent, is obligated to apply the first money paid by the renter to taxes due under his ownership.

4. Such payment shall discharge the renter's liability for taxes so paid, regardless of any subsequent disposition of such moneys by the landlord owner. After notice to the owner of real property or his designated agent, such payment, placed into an escrow fund established for the deposit of rents pursuant to section two hundred thirty-five-b of the real property law, shall also discharge the renter's liability for taxes so paid. At any time prior to such payment, the county, city, town or village may collect the taxes due from each tenant personally

liable for taxes directly from such tenants, and such collection shall discharge the tenant's obligation to the landlord by an equal amount of that portion of the rent attributable to taxes.

5. As proof of payment of real property taxes by a renter personally liable for said taxes pursuant to section three hundred four of this chapter, the owner of the real property must submit to the renter on or before January thirtieth a statement indicating the amount of taxes paid by such renter during the previous calendar year. This annual statement must be submitted to each present or former renter for the calendar year covered by the statement if said renter occupied the unit during any portion of that calendar year.

6. Where a unit is vacant all or part of the taxing period the owner shall be deemed to hold the renter's interest in that unit for the period of vacancy and assume the personal liability for taxes levied on that unit.

7. No person being an owner of real property where a renter described in section three hundred four of this chapter is an occupant, may charge such a renter under any written lease, or by reason of a tenancy created by a state or local law relating to the regulation and control of residential rents, an amount in any rent period in excess of the rent reserved in such lease or the maximum rent permitted under such provisions for the regulation and control of residential rents, reduced by the taxes allocated to the renter pursuant to this section.

8. Where a renter personally liable for real property taxes fails to pay that portion of the rental charges attributable to taxes or is delinquent in his payments to the owner so that less than all of the money due and chargeable for real property taxes is paid to the owner, the owner shall be deemed to have assumed the renter's interest in the occupied unit and may commence a summary proceeding to recover real property. The provisions of this subdivision shall not apply where a renter has applied for a stay pursuant to section seven hundred fifty-five or seven hundred fifty-six of the real property actions and proceedings law, or has commenced a special proceeding pursuant to

article seven-a of such law.

9. (a) Any owner who fails to remit to the collecting officer of the municipality any real estate taxes submitted to him by a renter shall be liable for a penalty equal to twenty-five percent of the tax which should be remitted.

(b) If the owner is a corporation, all officers and directors of such corporation shall be jointly and severally liable for the payment of the penalty described in paragraph (a) of this subdivision.

10. Nothing in this section shall be construed to affect, alter or in any way impair the rights of the municipality in which the real property is located to collect taxes levied against the owner of such real property for that portion of such real property devoted to nonresidential uses or for which the owner assumes liability under subdivisions six and nine of this section.

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

§ 928-a. Partial payment of taxes. 1. (a) Notwithstanding the provisions of any general or special law to the contrary, each collecting officer is hereby authorized to accept from any taxpayer at any time partial payments for or on account of taxes, special ad valorem levies or special assessments and apply such payments on the account, following the adoption of a resolution by the governing body of the municipal corporation that employs the collecting officer allowing partial payments. Such resolution may limit the conditions under which partial payments will be accepted, in which case partial payments shall be accepted in accordance with the conditions set forth in the resolution.

(b) Such resolution may require a service charge not to exceed ten dollars to be paid with each partial payment. Such service charge shall belong to the municipal corporation that employs the collecting officer.

(c) Where school district taxes are payable to the collecting officer of a city or town that has acted to allow partial payments, the governing body of the school district may pass a resolution allowing partial payments for school district purposes. Such resolution may limit

the conditions under which partial payments may be accepted. Where a school district has passed a resolution allowing partial payments, and has provided a copy to the collecting officer at least sixty days before the last date set by law for the delivery of the tax roll to the collecting officer, the collecting officer shall be authorized to accept partial payments of school district taxes under the conditions specified in the school district's resolution, subject to the following:

(i) If the conditions set by the school district upon partial payments differ from those set by the city or town, and in the judgment of the collecting officer it would be burdensome to administer them, the collecting officer may notify the school district that the school district's conditions are not acceptable. Such notice shall be provided no later than fifteen days after the date on which the collecting officer received a copy of the school district resolution, or forty-five days before the last date set by law for the delivery of the tax roll to the collecting officer, whichever is later.

(ii) Where such notice has been provided, the collecting officer shall be authorized to accept partial payments of school district taxes under the same conditions as may apply to city or town taxes, unless the school district notifies the collecting officer that the city or town's conditions are not acceptable. Such notice shall be provided no later than fifteen days after the date on which the school district received the collecting officer's notice, or thirty days before that last date set by law for the delivery of the tax roll to the collecting officer, whichever is later.

(iii) Where such notice has been provided, the collecting officer shall not be authorized to accept partial payments of school district taxes.

(d) If the taxes of a city, town, village or school district are collected by a county official, the county shall have the sole authority to establish a partial payment program pursuant to this section with respect to the taxes so collected.

(e) If the taxes of a city, town, village or school district are not collected by a county official, but its tax bills are prepared by the county, or its tax collection accounting software is provided by the county, then before the city, town, village or school district may implement a partial payment program pursuant to this section, it must

obtain written approval of the chief executive officer of the county or the county director of real property tax services.

(f) Any resolution adopted pursuant to this section shall be adopted at least sixty days prior to the preparation and delivery of the tax rolls to the appropriate collecting officers. A copy of any resolution adopted pursuant to this section, or amending or repealing a resolution adopted pursuant to this section, shall be filed with the commissioner and, in the case of a resolution adopted by a school district, with the city or town clerk, no later than thirty days after the adoption thereof.

2. After any partial payment authorized pursuant to this section has been paid, interest and penalties shall be charged against the unpaid balance only. The acceptance of a partial payment by any official pursuant to this section shall not be deemed to affect any liens and powers of any municipal corporation conferred in any general or special act, but such rights and powers shall remain in full force and effect to enforce collection of the unpaid balance of such tax or tax liens together with interest, penalties and other lawful charges.

3. A collecting officer who is authorized to accept partial payments pursuant to this section may not decline to do so.

4. Nothing contained herein shall be construed to authorize a collecting officer to accept a partial payment after the expiration of his or her warrant, or at any other time that such collecting officer is not authorized to accept tax payments.

5. Nothing contained herein shall limit the ability of a collecting officer to accept partial payments of taxes authorized under any other general or special law.

§ 930. Payment of taxes to county treasurer by certain utility corporations. 1. Any railroad, telegraph, telephone, electric, gas, water or pipe line corporation or person assessed for oil and gas rights may within thirty days after receipt by the county treasurer of the

notice given pursuant to subdivision two of section nine hundred six of this chapter pay any taxes on real property owned by it to such county treasurer without interest within thirty days of the receipt by the county treasurer of the notice given pursuant to subdivision two of section nine hundred six of this article or the last date for payment of taxes without interest otherwise provided by subdivision one of section nine hundred twenty-four of this title, whichever is later. The county treasurer shall credit the appropriate collecting officer with the amounts of taxes so received and shall give notice to him of any such taxes not received by him.

2. The collecting officer may receive such taxes at any time until the expiration of his warrant, but shall not enforce payment thereof until receipt of such notice from the county treasurer.

§ 931. Payment of taxes to county treasurer by certain utility corporations with respect to single payments for multiple parcels. The county treasurer or the collecting officer may receive a single payment from any railroad, telegraph, telephone, electric, gas, water or pipeline corporation or person assessed for oil and gas rights to satisfy the tax owed for more than one parcel provided that the payment is accompanied by a detailed list of the specific parcels to which the payment is to be applied. Such list shall include the tax identification number and the amount of payment submitted for each parcel. In the event that the total payment submitted does not equal the total amount of taxes due on all the parcels listed, the county treasurer or collecting officer may accept the payment and record as paid the taxes due on each parcel which can be paid in full in the order set forth on the list of parcels. In the event that the county treasurer or collecting officer accepts the payment for an amount which does not equal the total amount of taxes due on all the parcels listed, the county treasurer or the collecting officer shall give prompt notice of any deficiencies. Such notice shall include a list of the parcels for which the submitted payment was insufficient to meet the amount of taxes due, and the amount still owing. In the event the payment is in excess of the amount due, the county treasurer or collecting officer shall promptly cause a refund

of the excess amount to be paid.

§ 932. Payment of taxes on part of a parcel of real property. 1. The collecting officer shall receive the tax on part of a parcel of real property provided the person offering to pay such tax shall furnish a particular specification of such part, including an apportionment of the assessment thereof made by the assessor after due notice to the parties affected. In the event that the tax on the remainder remains unpaid, the collecting officer shall enter such specification on his return to the county treasurer, indicating the part on which the tax remains unpaid. If the part on which the tax was paid is an undivided share, the person paying the same shall furnish the collecting officer with the name of the owner thereof, which shall be entered on the return of unpaid taxes, and the share of such owner shall be excepted in case of sale for the tax on the remainder.

2. The county treasurer may, with respect to any taxes returned to him as unpaid, receive the taxes on part of a parcel of real property in the same manner and subject to the same conditions as set forth in subdivision one of this section.

§ 934. Apportionment of taxes by county court. 1. When the real property of one person has been erroneously assessed with the real property of another, any person aggrieved thereby may apply to the county court by petition duly verified, to have the taxes thereon apportioned. The application shall be made on eight days' notice to the assessors of the city or town in which the real property is situated, and to the party whose real property is included in such assessment.

2. The county court shall take such evidence as may be necessary to determine the facts, and shall determine and specify the amount of the tax properly chargeable to the petitioner's property and to the property of the other party. The collecting officer of such city or town, upon receiving a copy of the order of the county court, shall change the tax roll to conform to such order, and shall receive the taxes accordingly.

§ 936. Return of unpaid delinquent taxes. 1. Upon the expiration of his warrant, each collecting officer shall make and deliver to the county treasurer an account, subscribed and affirmed by him as true under the penalties of perjury, of all taxes listed on the tax roll which remain unpaid, except that such collecting officer shall not include in such account the amount of the installments of taxes returned unpaid pursuant to section nine hundred twenty-eight-b or subdivision one of section nine hundred seventy-six of this chapter. The county treasurer shall, if satisfied that such account is correct, credit him with the amount of such unpaid delinquent taxes. Such return shall be endorsed upon or attached to the tax roll.

2. In making the return of unpaid taxes, the collecting officer shall add five per centum to the amount of each tax as levied. In the event that the collecting officer fails to do so, the county treasurer shall make such addition. In a county in which there is a local law in effect pursuant to section nine hundred twenty-eight-b or section nine hundred seventy-two of this chapter providing for the collection of taxes in installments, the five per centum provided by this subdivision shall not be added to the taxes which a real property owner has elected to pay in installments pursuant to section nine hundred twenty-eight-b or section nine hundred seventy-five of this chapter. Such five per centum shall be added by the county treasurer to the amount of such taxes as shall have remained unpaid after the date upon which the last installment was due as provided in such local law. The amount of such added per centum shall thereafter be deemed part of the amount of the unpaid tax.

§ 938. Extension of time for collection. 1. Upon application of the common council of a city or the supervisor of a town, the county treasurer may extend the time for collection of taxes levied therein to a day not later than the first day of June in any year except that in the counties of Greene, Orange, Sullivan and Ulster, the county treasurer may extend such time to a day not later than the first day of September, and during the period of any such extension in such counties,

the collecting officer shall on the first day of each month pay over all moneys collected during the preceding month. An extension granted shall not extend the time provided by law for the collecting officer to pay over taxes collected during the normal tax collection period.

2. If at the time of the expiration of the warrant there is in effect a court order enjoining the collection of taxes on any parcel of real property, such order shall operate as an extension of time for the collecting officer to collect such taxes until thirty days after the order is vacated or terminated. All other unpaid taxes shall be returned to the county treasurer within the time prescribed by law.

§ 940. Payment of amounts collected. 1. Each collecting officer shall, within one week from the date of expiration of his warrant, pay over to the persons specified in such warrant all moneys received, the payment or deposit of which is not otherwise provided by law.

2. Each person, other than the county treasurer, receiving moneys from the collecting officer shall furnish him with duplicate receipts therefor, one of which shall be filed with the county treasurer by the collecting officer. The county treasurer shall credit the account of the collecting officer with the amounts stated thereon.

3. If the amount of taxes levied in a city or town exceeds the amount that should have been raised, any surplus collected shall be paid over to the county treasurer who shall credit the city or town with the amount thereof which shall go to the reduction of taxes to be levied therein in the succeeding year.

§ 942. Payment of taxes to county treasurer after return of collecting officer. The amount of any unpaid tax on any parcel of real property returned to the county treasurer by the collecting officer in accordance with section nine hundred thirty-six of this chapter, with interest and any charges imposed by law thereon may be paid to the county treasurer at any time prior to the expiration of the applicable redemption period.

§ 944. Power of county court upon default of collecting officer. 1.

If any collecting officer shall neglect or refuse to pay over the moneys collected by him to any of the persons to whom he is required to pay the same by his warrant, or to account for the same as unpaid, upon the verified application of the county treasurer stating the facts, the county court shall make an order directed to the sheriff of the county, commanding him to levy against the property of the collecting officer, personal and real, to raise the amount not accounted for and pay the same to the county treasurer within sixty days from the date of such order.

2. The sheriff shall levy against such property, and shall pay any moneys received therefrom to the county treasurer, after deducting one per centum of the amount collected as his fee. The sheriff shall state the amount collected in his return, which shall be made as in the case of an execution, and the county treasurer shall give notice to the city or town of any amount which may remain due from such collecting officer.

3. The county treasurer shall pay over the moneys received from the sheriff in the manner directed by the warrant to the collecting officer; provided, however, that if the entire amount due from the collecting officer shall not be collected on such warrant, the county treasurer shall in the case of a town first retain the amount payable to the county before making any payment to the town.

4. If the whole or any part of the amount due from the collecting officer is not thus collected, the county treasurer shall give notice of the amount still due to the mayor of the city or the supervisor of the town, as the case may be. The mayor or supervisor shall cause the undertaking of the collecting officer to be prosecuted, and shall be entitled to recover thereon the sum due from the collecting officer with costs of the action. The moneys received shall be applied and paid in the same manner as they should have been by the collecting officer.

§ 946. Retention of tax roll. Notwithstanding any law to the contrary, where a tax roll indicating the date of payment of the tax, any receipt number, and related information is maintained in a manner other than that set forth in article fifteen-C of this chapter, the tax roll shall be permanently retained as a public record.

§ 948. Losses by default of collecting officer or treasurer. All losses sustained by reason of the default of any collecting officer shall be a charge upon the city or town of which he is collecting officer. If occasioned by the default of the treasurer of the county in the discharge of his official duties, the loss shall be chargeable to the county.

§ 950. Satisfaction of undertaking of collecting officer. Upon the settlement of the account of taxes of a collecting officer in any city or town, the county treasurer shall, if requested, and if the collecting officer has fully paid over or duly accounted for all the taxes which he was by law to collect, give to such collecting officer or any of his sureties a written certificate of such settlement, duly acknowledged. Upon the filing thereof in the office of the clerk where the undertaking is recorded, the clerk shall enter satisfaction of such undertaking. The filing of the satisfaction shall discharge the lien of the undertaking upon the real property of the collecting officer and his sureties, but in no way shall impair the liability of the collecting officer and his sureties upon the undertaking for a failure on the part of the collecting officer to pay over moneys collected by him.

TITLE 3-A

REAL PROPERTY TAX ESCROW ACCOUNTS

Section 952. Definitions.

953. Duties and responsibilities of mortgage investing institutions.

953-a. Real property tax escrow accounts for non-mortgagors.

954. Mailing or delivery of bills to mortgage investing

institutions.

- 955. Payments by mortgage investing institutions; receipts.
- 956. Additional liabilities of mortgage investing institutions.
- 957. Enforcement; penalties.
- 959. Applicability of title; separability.

§ 952. Definitions. When used in this title:

1. "Mortgage investing institution" means any bank, trust company, national bank, savings bank, savings and loan association, federal savings bank, federal savings and loan association, private banker, credit union, federal credit union, investment company, pension fund, licensed mortgage banker or any other entity which maintains a real property tax escrow account for real property located in this state.

2. "Mortgagor" means a person having title to and occupying a one to six family residence which is located in this state and is subject to a mortgage.

2-a. "Non-mortgagor" means a person having title to and occupying a one to six family residence which is located in this state and is not subject to a mortgage.

3. "Real property tax escrow account" means an account established by contract between a mortgagor of real property improved by a one to six family residence and the mortgage investing institution having a mortgage thereon, into which the mortgage investing institution shall deposit money collected from the mortgagor for the purpose of paying taxes.

4. "One to six family residence" means property used primarily for residential purposes for one to six families, including property held in condominium form of ownership, and which is occupied in whole or in part by the owner.

5. "Tax" or "taxes" means a charge imposed upon real property by or on

behalf of a county, city, town, village or school district for municipal or school district purposes, including a special ad valorem levy, special assessment or any similar charge.

§ 953. Duties and responsibilities of mortgage investing institutions.

1. Every mortgage investing institution shall make all payments for taxes for which they hold real property tax escrow accounts, in a timely manner.

2. Every mortgage investing institution subject to the provisions of section fourteen-b of the banking law shall pay at least the minimum rate of interest on each real property tax escrow account as prescribed therein except that any such mortgage investing institution shall not be required to pay such minimum rate of interest on real property tax escrow accounts established for non-mortgagors.

3. Every mortgage investing institution shall deposit funds from a real property tax escrow account of a mortgagor in a banking institution whose deposits are insured by a federal agency or a licensed branch of a foreign banking corporation whose deposits are insured by a federal agency. Notwithstanding the foregoing provisions of this subdivision, the superintendent of financial services shall have the power to exempt from the requirements of this subdivision any banking organization which does not receive deposits or share accounts from the general public.

4. No mortgage investing institution shall impose a service charge or any other fee in connection with the maintenance of a real property tax escrow account nor, as provided in section two hundred fifty-four-d of the real property law, shall a fee be imposed for direct payment of real property taxes.

5. A mortgage investing institution may debit a mortgagor's real property tax escrow account for payments of taxes only if actual payment for such taxes is made within twenty-one days after such debit.

6. Every mortgage investing institution shall, at least annually and

without charge to the mortgagor, provide to the mortgagor an analysis of the real property tax escrow account of the mortgagor. Such analysis shall contain, for the twelve month period covered by the analysis, at least: (i) interest earned; (ii) the amount of taxes paid from the real property tax escrow account; and (iii) the account balance as of the beginning of the period the analysis covers and the ending account balance as of a specified date within forty-five days preceding the date of the analysis. In addition, the mortgage investing institution shall, upon request by the mortgagor, provide to the mortgagor without charge the date or dates of the payment of taxes from such real property tax escrow account. The information required by this subdivision may be provided in notices otherwise required by federal or state law, regulation or rule to be sent on at least an annual basis to the mortgagor. The analysis shall also contain the following information in at least eight point bold face type in substantially the following language:

(a) that the mortgage investing institution is obligated to make all payments for taxes for which the real property tax escrow account is maintained and that if any such payments are not timely, the mortgage investing institution is responsible for making such payments including any penalties and interest;

(b) that the mortgagor is obligated to pay one-twelfth of the taxes each month to the mortgage investing institution which is deposited into the real property tax escrow account, unless there is a deficiency or surplus in the account, in which case a greater or lesser amount may be required;

(c) if the mortgage investing institution is subject to the provisions of subdivision three of this section, that the mortgage investing institution must deposit the escrow payments made by the mortgagor in a banking institution or a licensed branch of a foreign banking corporation whose deposits are insured by a federal agency; and

(d) that the mortgage investing institution cannot impose any fees relating to the maintenance of the real property tax escrow account.

6-a. Every mortgage investing institution shall upon the request of a borrower who has been notified of the granting of an exemption pursuant to section four hundred twenty-five of this chapter to review the

expected real property tax liability which is assessable against a property which is a one, two or three family dwelling and which is the primary residence of the borrower. In any case, where as the result of the granting of such exemption an overage in the escrow shall exist, the owner shall be entitled to a proportionate reduction in the amount such mortgage investing institution is authorized to collect and deposit on a monthly basis into an escrow account to insure the payment of real property taxes. This review shall be considered maintenance of a real property tax escrow account.

7. Every mortgage investing institution shall provide written notice to a mortgagor no later than ten business days after the transfer to another mortgage investing institution of the right to receive all payments from the mortgagor, including payments made into the real property tax escrow account, which notice shall include the name, address and telephone number of the mortgage investing institution to which such rights have been transferred. Upon request by the mortgagor, the mortgage investing institution shall advise the mortgagor of the amount of money in such account as of the date of such transfer. Every mortgage investing institution shall remain fully liable to pay any taxes which are due and payable prior to the date of such transfer, and the mortgage investing institution to which such rights have been transferred shall be liable to pay any taxes which are due and payable after the date of such transfer, unless otherwise agreed among the parties to the transfer.

8. Every mortgage investing institution shall, no later than twenty-one days after the final payment of the mortgage loan, where the mortgagor retains ownership of the property, send to the mortgagor a written statement that shall include, but not be limited to the following information: (a) that the real property tax escrow account has been or will be terminated (whichever is applicable); and (b) that unless the mortgagor establishes a new real property tax escrow account with a mortgage investing institution, the mortgagor will be obliged to pay to the appropriate collecting officers taxes becoming due thereafter. The written notice shall also set forth the effective date of the termination and shall provide the name, address and telephone

number of each collecting officer or office and advise the mortgagor to contact such officer or office for tax billing information.

8-a. Any mortgage investing institution which does not comply with the provisions of subdivision eight of this section shall be financially responsible for interest or penalties charged a former mortgagor of such institution by a taxing municipality, county, and/or delinquent tax enforcement agency for non-payment or late payment of real property taxes in the first taxable year following satisfaction of the mortgage held by such institution.

9. Every mortgage investing institution shall, no later than the twenty-fifth day of each month, report to the county director of real property tax services, or the commissioner of finance for property located in the city of New York, on a form prescribed or approved by the commissioner, the creation of a real property tax escrow account, or any change of a tax billing address required by a transfer or termination of a real property tax escrow account pursuant to subdivisions seven and eight of this section, occurring during the prior month with respect to real property located in such county or city, as the case may be. The county director or the commissioner of finance of the city of New York shall thereupon furnish a copy of such report to the person or persons having custody and control of the appropriate assessment roll, tax roll or data file, as defined in section fifteen hundred eighty-one of this chapter, and such person or persons are hereby authorized and directed upon receipt of such report to enter the appropriate tax billing address on such assessment roll, tax roll or data file.

§ 953-a. Real property tax escrow accounts for non-mortgagors. 1. Any mortgage investing institution may establish real property tax escrow accounts for non-mortgagors. Such accounts shall be subject to the provisions of this title, except as otherwise provided by this section.

2. A mortgage investing institution may enter into agreements with non-mortgagors to provide for payment of real property taxes by such mortgage investing institution on behalf of such non-mortgagor from

funds on deposit in a real property tax escrow account.

3. Mortgage investing institutions shall not be required to pay the minimum rate of interest required by subdivision two of section nine hundred fifty-three of this article on real property tax escrow accounts of non-mortgagors.

4. If the non-mortgagor shall fail to make required payments to a real property tax escrow account within twenty-one days after the date such payment is due, the mortgage investing institution may terminate the account upon written notification to the non-mortgagor. Such written notification shall include but not be limited to the following information: (a) that the real property tax escrow account has been or will be terminated (whichever is applicable); and (b) the non-mortgagor will be obliged to pay to the appropriate collecting officers taxes becoming due thereafter. The written notice shall also set forth the effective date of the termination and shall provide the name, address and telephone number of each collecting officer or office and advise the non-mortgagor to contact such officer or office for tax billing information. Upon termination, the mortgage investing institution shall refund any and all funds remaining in such account to such non-mortgagor.

§ 954. Mailing or delivery of bills to mortgage investing institutions. 1. A mortgagor who has entered into a real property tax escrow account may designate, on a form prescribed or approved by the commissioner, a mortgage investing institution, and its successors, agents or assigns to receive tax bills. Each such form shall be held by the mortgage investing institution, or any successor to which the account may be transferred, until the real property tax escrow account is terminated, at which time such designation shall be null and void. A mortgage investing institution in possession of such a form shall make it available for inspection by the mortgagor or collecting officer upon request. For any mortgage note executed prior to the first day of June, nineteen hundred ninety, the mortgage investing institution shall, upon the request of the collecting officer, provide any document that

evidences its authorization to receive tax bills or obligation to pay taxes.

2. Notwithstanding the provisions of section nine hundred twenty-two, thirteen hundred twenty-two, thirteen hundred twenty-four or fourteen hundred thirty of this chapter, upon agreement between a collecting officer and a mortgage investing institution, the mortgage investing institution or its agent shall, no later than thirty days prior to the last date established by law for the annexation of the warrant to the assessment roll, present to the collecting officer a list in any mutually agreeable format of the real property tax escrow accounts with respect to which the mortgage investing institution or its agent has been authorized by the mortgagor to receive tax bills. If the collecting officer and mortgage investing institution agree, a list of additions and deletions to the last such list so delivered may be presented instead.

3. Upon receipt of such a list, the collecting officer shall take the necessary actions to provide that the appropriate bills for the upcoming levy will be mailed or delivered to the mortgage investing institution or its agent. Such bills may be transmitted in any mutually agreeable format, and need not include any information which the mortgage investing institution or its agent deems extraneous for its purposes. The collecting officer may, in addition thereto or in lieu thereof, cause the appropriate tax billing addresses on the tax roll and the data file, as such term is defined in section fifteen hundred eighty-one of this chapter, to be changed to conform to such list.

4. Where a collecting officer receives such a list later than thirty days prior to the last date prescribed by law for the annexation of the warrant to the assessment roll, the collecting officer may accept the same as if it were submitted in a timely manner.

§ 955. Payments by mortgage investing institutions; receipts. 1. A mortgage investing institution which receives moneys from a mortgagor for deposit into a real property tax escrow account shall be liable to

such mortgagor, upon failure to pay such taxes, for the amount of the taxes plus penalties and interest imposed thereon.

2. A mortgage investing institution may pay the taxes due on more than one parcel by a single instrument, provided the instrument is accompanied by a detailed list of the specific parcels to which the instrument is to be applied, each parcel identification number and the amount of tax to be paid with respect to each parcel. If the face value of the instrument is at least equal to the total intended payment as indicated by such list, but the total intended payment does not equal the total amount of taxes actually due on the parcels on the list, the collecting officer shall accept the instrument and record as paid the taxes due on each parcel for which the amount offered as set forth in such list is at least equal to the amount due on such parcel. The lien on each remaining parcel on such list shall not be discharged or diminished by the acceptance of such instrument. The collecting officer shall forthwith advise the mortgage investing institution or its agent that the taxes on the remaining parcels remain unpaid, and shall identify the parcels on the list upon which taxes remain unpaid. The amount of the tender which has not been applied to the payment of taxes shall be either retained to be applied toward tax payments or refunded.

3. No later than three weeks after a tax has been paid by a mortgage investing institution pursuant to this title, the collecting officer shall deliver, mail, or, subject to the provisions of section one hundred four of this chapter, transmit electronically a receipt to the mortgagor for whom the real property tax escrow account is maintained. Each such receipt shall be in the same format as a statement of taxes, except that the word "Paid" (or an equivalent word or words) and the date of payment shall be clearly displayed thereon. The receipt may also display, if the collecting officer so elects, the name, title and signature (or initials) of the collecting officer or of the authorized subordinate who received the payment.

4. Notwithstanding the provisions of any other law to the contrary, and except in a school district, if a mortgage investing institution has failed to pay the taxes of its mortgagor by the date the warrant of the

collecting officer expires, the collecting officer shall provide the name of such mortgage investing institution with the return of delinquent taxes delivered to the public official charged by law with the duty of enforcing the collecting of delinquent real property taxes. Thereafter, whenever such officer publishes a notice pertaining to the enforcement of delinquent taxes against a parcel listed on such return, and the name of the mortgagor is included therein, the name of the mortgage investing institution shall also be included.

§ 956. Additional liabilities of mortgage investing institutions. 1.

In addition to any other remedies permitted by law, a mortgagor whose taxes are to be paid by means of a real property tax escrow account pursuant to this title may bring an action against the mortgage investing institution maintaining such account for the mortgagor under the provisions of this section if payments for real property taxes have not been made for one hundred eighty days after the date such taxes have become due and payable. If a court shall find, after considering the circumstances of the failure of a mortgage investing institution to pay the real property taxes of a mortgagor pursuant to an escrow agreement, that such failure was due to the negligence or intentional acts of the mortgage investing institution, its agent, or both, the court may award the mortgagor injunctive relief and liquidated damages in an amount equal to three times the tax not paid within such one hundred eighty day period but in no event greater than six thousand dollars.

2. In addition to any other violations provided by law, if a mortgage investing institution through negligence or intentional acts fails to pay real property taxes for more than one hundred eighty days after the date such taxes become due and payable, it shall constitute a separate violation of this title.

§ 957. Enforcement; penalties. 1. The attorney general may enforce the provisions of section nine hundred fifty-three, subdivision one of section nine hundred fifty-five, or subdivision two of section nine hundred fifty-six of this title by exercising the powers granted to him

or her by subdivision twelve of section sixty-three of the executive law.

2. Whenever the court shall determine that a defendant has engaged in repeated fraudulent or illegal acts, as defined in subdivision twelve of section sixty-three of the executive law, in violation of section nine hundred fifty-three, subdivision one of section nine hundred fifty-five or subdivision two of section nine hundred fifty-six of this title, the court may impose a civil penalty of not more than one thousand dollars for each violation of subdivision one, two or four of section nine hundred fifty-three, subdivision one of section nine hundred fifty-five or subdivision two of section nine hundred fifty-six of this title and not more than two hundred fifty dollars for each violation of subdivision three, five, six, seven, eight or nine of section nine hundred fifty-three of this title, unless the defendant shows by a preponderance of the evidence that the violation resulted from a bona fide error made notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

3. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

4. Nothing in this section shall preclude a mortgagor from obtaining any relief or remedy at law or in equity to which such mortgagor may be entitled, including those remedies and relief provided for in subdivision one of section nine hundred fifty-six of this title.

§ 959. Applicability of title; separability. 1. This title shall apply to all municipal corporations in the state which collect taxes.

2. Separability. If any provision of this title or the application of such provision in certain circumstances shall be held invalid, the validity of the remainder of this title and its applicability to other circumstances shall not be affected.

TITLE 4

ACCEPTANCE OF TAXES FROM CERTAIN LOAN CORPORATIONS

- Section 960. Payment of taxes by loan corporations.
962. Limitations.
964. Deposit and delivery of conditional tax receipts.
966. Surrender of conditional tax receipts.
968. Tax sale provisions.
970. Examination of books of loan corporations.

§ 960. Payment of taxes by loan corporations. 1. Any municipal corporation may, as provided in this title, accept payment of taxes, including special ad valorem levies and special assessments, on real property from any corporation organized under the laws of the state of New York for the purpose of extending loans to taxpayers for the payment of taxes.

2. Upon such a payment, a conditional tax receipt shall be issued and the amount thereof conditionally credited by the municipal corporation against the taxes due on the property for which payment is made, but such payment shall not extinguish the tax lien existing against such property until the conditional tax receipt is surrendered for cancellation to the municipal corporation.

3. Payments made pursuant to this section may be used by the municipal corporation in the same manner as if made directly by the taxpayer.

§ 962. Limitations. 1. Municipal corporations may accept such payments from a corporation extending loans for such purpose, if the loan corporation has a paid-up capital of at least one million dollars and charges not more than four per centum interest on unpaid balances on moneys loaned, nor more than two per centum of the amount of the loan as a service charge in connection therewith; provided, however, that in the event of a default in the payment of such a loan, the loan corporation

may charge six per centum interest per annum on all sums in default. The loan corporation shall, within three days after receiving the same, deposit the conditional tax receipt with a banking institution, trust company, state bank, national bank, or federal reserve bank of the district in which the municipal corporation is located.

2. A corporation or banking institution qualifying under the provisions of section ten hundred fifty-four of this chapter and possessing all of the qualifications required under this section may also engage in the business of lending money to taxpayers and accepting conditional tax receipts as provided in this title.

§ 964. Deposit and delivery of conditional tax receipts. 1.

Immediately upon the execution of the loan contract between the taxpayer and the loan corporation, the loan corporation shall pay to the municipal corporation the moneys provided for therein. The taxpayer shall make payments on the loan to the banking institution with which the conditional tax receipt has been deposited for the account of the loan corporation.

2. When made, such payments shall be entered and acknowledged by the banking institution upon the conditional tax receipt, which receipt shall remain in the possession of the banking institution until either the loan is fully discharged or a default occurs thereon. In the event the loan is fully discharged, the conditional tax receipt shall be endorsed "paid" and delivered to the taxpayer or person making the payment. In the event of default, the conditional tax receipt shall be returned to the loan corporation at its option.

§ 966. Surrender of conditional tax receipts. 1. Upon the surrender of the conditional tax receipt evidencing the discharge of the obligation created by the loan contract in connection with which it was issued, the municipal corporation shall replace it with a receipted tax bill. Such receipted tax bill shall bear the date of the conditional tax receipt and no interest or penalty shall be charged to the taxpayer for the

period between the date of the issuance of the conditional tax receipt and the date of its surrender. All penalties and interest imposed by the municipal corporation for tax default shall be added to the tax lien until the discharge of the obligation created by the loan contract in connection with which the conditional tax receipt was issued, and such penalties and interest shall be cancelled and be deemed satisfied upon the discharge of such obligation provided such obligation is discharged prior to the disposition of the tax lien as provided in section nine hundred sixty-eight of this chapter.

2. If subsequent to the issuance of the conditional tax receipt, payment of the taxes is made by any person directly to the municipal corporation in order to obtain a receipted tax bill, the municipal corporation shall, upon surrender of the conditional tax receipt, pay the loan corporation the balance due to it on the loan contract.

§ 968. Tax sale provisions. 1. Notwithstanding the issuance of a conditional tax receipt as herein provided, the procedure provided by a law for the sale of tax liens or properties for non-payment of taxes shall in all cases remain unchanged as if the conditional tax receipt had not been issued; provided, however, that such sale shall not be held before the expiration of one year from the date of the issuance of any conditional tax receipt, but must be held within three years from such date, notwithstanding the provision of any general or special law or charter provision to the contrary.

2. Prior to a sale, the loan corporation shall be required to exhibit to the municipal officer having jurisdiction over the sale of tax liens or properties, the conditional tax receipt showing payments made on the loan contract, if any, which payments shall be credited, as of the date of issuance of the conditional tax receipt against the amount of taxes due against the property to be sold. The municipal corporation receiving the proceeds of the tax sale shall, upon surrender of the conditional tax receipt, pay from such proceeds the amount due the loan corporation on the loan contract in connection with which the conditional tax receipt was issued.

3. Until payment from the proceeds of the sale has been made to the loan corporation, or a receipted tax bill has been issued in exchange for the conditional tax receipt, the loan corporation shall have an interest in and lien upon the tax lien or properties to the extent of the unliquidated portion of its loan and the municipal corporation shall hold such interest and lien for the account of the loan corporation, subject to the provisions of this title.

§ 970. Examination of books of loan corporations. 1. Any municipal corporation issuing conditional tax receipts shall keep a complete record thereof. Any municipal corporation shall have the right to examine from time to time the books of any loan corporation to which it has issued conditional tax receipts and may make regulations not inconsistent with the provisions of this title for the better accomplishment of the purpose thereof and for the protection of the borrowing taxpayer.

2. Upon proof to the municipal corporation of any willful violation of this title, or of the regulations made pursuant thereto, by any loan corporation to which it has issued conditional tax receipts, it shall cease the issuance of conditional tax receipts to such loan corporation.

TITLE 4-A

OPTIONAL METHOD OF COLLECTION OF TAXES

Section 972. County may become collection agency.

973. Town may elect method of payment of taxes; certification.

974. Statement of taxes to be mailed.

975. Owner of real property may elect to pay taxes in installments.

976. Return of unpaid installments of taxes; payment by county treasurer.

§ 972. County may become collection agency. 1. Adoption.

Notwithstanding any provisions of this chapter, or any other general, special or local law to the contrary, the legislative body of a county may, by local law, provide that thereafter and until such local law is repealed, the county shall become the tax collection agency for the purpose of collecting taxes in installments as prescribed by this title and by sections thirteen hundred thirty-six through thirteen hundred forty-two of this chapter. The term "taxes" as used in this title shall include special assessments which are levied by the county legislative body at the time and in the manner provided by law for the levy of county and town taxes.

2. Payment schedule. Such local law shall provide the number of installments and the respective dates upon which each installment shall be due, the first not later than the last day of the month in which the respective taxes may be paid without interest without regard to this title, and the last not later than the last day of the fiscal year for which it was levied, or in the case of a school district, not later than the thirty-first day of August following the conclusion of such fiscal year. Unless the local law provides otherwise, each installment shall be as nearly equal as possible.

3. Interest. (a) Each installment other than the first shall be subject to interest at the rate determined pursuant to section nine hundred twenty-four-a of this article, or such other law as may be locally applicable, up to and including the date on which it is to be paid. Such interest shall be amortized over all scheduled payments, unless the local law provides for unequal installments, in which case interest shall be calculated and imposed separately upon each installment.

(b) If an installment is not paid on or before the date it is due, additional interest shall be added as provided by section nine hundred seventy-five or section thirteen hundred forty of this chapter.

(c) The amount of any interest which shall be added to any installment pursuant to this section and section nine hundred seventy-five or section thirteen hundred forty of this chapter shall belong to the county.

4. Eligible property. (a) A local law establishing an installment program pursuant to this section may provide that the program shall be limited to one or more of the following types of property:

(i) property which has been assessed as a one, two or three family residence; or

(ii) property which is exempt from taxation pursuant to section four hundred sixty-seven of this chapter; or

(iii) property which is exempt from taxation pursuant to section four hundred fifty-nine of this chapter, or which is owned and occupied by a person or persons who qualify as physically disabled pursuant to that statute; or

(iv) property which is owned by, and used as, the principal residence of, a person who receives supplemental security income.

(b) If the local law does not provide otherwise, the program shall apply to all types of property.

(c) Notwithstanding the foregoing, taxes which are paid through a real property tax escrow account may not be paid in installments pursuant to this title.

5. Adoption by certain cities and towns. Any city or town having the power to collect and enforce taxes levied or imposed pursuant to law may elect, by local law or ordinance, to have the provisions of this title apply to such city or town, in which case all references to the county legislative body shall refer to the legislative body of such city or town and the references to other local officers shall refer to the corresponding officers of such city or town; provided however, that the manner and time provided by law for paying taxes imposed on behalf of another municipal corporation or special district shall not be modified by the enactment of such local law or ordinance.

§ 973. Town may elect method of payment of taxes; certification. 1. Upon the enactment of such local law by a county pursuant to section nine hundred seventy-two of this chapter, the town board of any town may determine that thereafter and until such action be duly rescinded, the amount of taxes for county, town and special district purposes constituting in the aggregate an amount in excess of fifty dollars

levied by the board of supervisors pursuant to law upon any parcel of real property situated within such town, may be paid in installments as provided in the local law enacted by the county pursuant to section nine hundred seventy-two of this chapter.

2. The determination pursuant to subdivision one of this section shall be made by resolution of the town board at any meeting thereof held prior to the first day of October, and when such determination shall have been made, it shall be certified by the town clerk to the clerk of the board of supervisors on or before the first day of October following such determination. Such resolution may be rescinded prior to October first in any year following the adoption thereof.

3. Whenever a resolution has been adopted pursuant to this section, the notice required to be given by the collecting officer pursuant to section nine hundred twenty of this chapter shall state that taxes may be paid in installments as provided in the local law enacted by the county pursuant to section nine hundred seventy-two of this chapter. Warrants for the collection of taxes levied while such resolution continues in force shall contain appropriate directions for the collection of taxes in the manner specified in such local law.

§ 974. Statement of taxes to be mailed. 1. Upon receipt of the tax roll and warrant, the collecting officer shall mail to each owner of property listed thereon, a statement of taxes as provided by law.

2. Such statement shall recite that such owner may elect, pursuant to section nine hundred seventy-five of this title, to pay the taxes set forth in the statement in installments, as provided in the local law enacted by the county pursuant to section nine hundred seventy-two of this title.

In addition, such statement shall clearly disclose the due dates for payment of such installments without interest and penalties.

§ 975. Owner of real property may elect to pay taxes in installments.

1. Upon receipt of the statement of taxes, an owner of real property may elect to pay the total amount of the taxes set forth in such statement without regard to this title; or he may elect to pay such taxes in installments as provided in the local law enacted pursuant to section nine hundred seventy-two of this chapter.

2. If the owner is eligible to participate in the installment program, and elects to do so, he or she shall pay to the collecting officer the amount set forth in such statement and designated as "first installment". The amount of each succeeding installment shall be paid to the county treasurer on or before the date specified in the local law enacted by the county pursuant to section nine hundred seventy-two of this chapter.

3. If any such installment is not paid on or before the date when due, interest shall be added to the amount of any such installment at the rate as determined pursuant to section nine hundred twenty-four-a of this chapter, or such other law as may be locally applicable, for each month or part thereof until paid. No such installment may be paid unless all prior installments of current taxes, including interest, shall have been paid or shall be paid at the same time.

4. The owner of real property who elects to pay taxes in installments as provided in this section shall indicate his election by remitting the amount of the first installment to the collecting officer on or before the date upon which it is due or not later than within five days thereafter; provided, however, that in the event the amount of the first installment is paid after the date upon which it was due, the interest rate set forth in subdivision three of this section shall apply.

5. The failure or neglect by an owner of real property to pay the first installment as provided in subdivision four of this section shall be construed as an election by such owner to pay the total amount of taxes in one payment in the manner provided by law.

6. The county treasurer of a county which has enacted a local law

pursuant to section nine hundred seventy-two of this chapter may promulgate and amend suitable rules and regulations prescribing the necessary forms for carrying into effect the provisions of this title and of article thirteen of this chapter relating to the installment payment of taxes.

§ 976. Return of unpaid installments of taxes; payment by county treasurer. 1. On or before the first day of February following the levy of taxes, the collecting officer of a town which has adopted a resolution pursuant to section nine hundred seventy-three of this chapter, shall make and deliver to the county treasurer a list of the names of the owners of real property who have elected to pay such taxes in installments pursuant to section nine hundred seventy-five of this chapter, together with an account, subscribed and affirmed by him as true under the penalties of perjury, of the balance of all taxes listed on the tax roll which such owners have elected to pay in installments and which remain unpaid at such time. The county treasurer shall, if satisfied that such account is correct, credit him with the amount of such unpaid taxes. Such return shall be in the form prescribed by the county treasurer. Upon such return, the warrant with respect to such taxes as were included in such return shall be deemed expired.

2. Within ten days after such collecting officer shall have made his return of unpaid installments of taxes as provided in subdivision one of this section, the county treasurer shall pay over to the supervisor of such town the amount of such unpaid installments of taxes, included in such return, which were levied for town and special district purposes. Such payment may be made from moneys not otherwise appropriated or committed, from moneys appropriated for a contingent fund or pursuant to the local finance law.

TITLE 5

PROVISIONS OF GENERAL APPLICATION; MISCELLANEOUS

Section 980. Tax statements and receipts to show nature and amount of local assistance by state.

- 980-a. Tax credits for contributions to certain funds.
- 981. Tax statements to include notice of arrears.
- 982. Notice to non-residents in towns.
- 984. Notice to non-residents in cities.
- 986. Receipts for taxes.
- 987. Notice of unpaid taxes.
- 988. Remedy of occupant for taxes paid by him.
- 990. Supplementary proceedings to collect taxes.
- 992. Action for sequestration.
- 994. No fine or imprisonment for non-payment of taxes.
- 995. Collection of taxes and special assessments from a
municipal corporation.
- 996. Contracts with banks for the collection of taxes.
- 999. Levy and collection of certain taxes in the county of
Ontario and city of Geneva.

§ 980. Tax statements and receipts to show nature and amount of local assistance by state. 1. Notwithstanding any general, special or local law, every statement and receipt issued by any public officer or employee for taxes levied upon real property by or for a municipal corporation shall set forth in the manner prescribed by the comptroller the amount of local assistance which it is estimated such municipal corporation will receive from the state within the fiscal year for which such taxes are levied, as such local assistance is defined in section two of the state finance law.

2. It shall be the duty of the chief fiscal officer of each municipal corporation to certify to the collecting officer, the amount of such estimated local assistance. The cost of furnishing the information described in this section shall be deemed a part of the cost of such statement or receipt.

3. Failure to state the amount of local assistance as provided in this section shall not in any manner affect the validity of the taxes or the penalties imposed by law in respect thereto.

4. The provisions of this section shall not apply to statements of, or receipts for, omitted taxes, returned taxes or to taxes levied for prior fiscal years.

§ 980-a. Tax credits for contributions to certain funds. 1. (a) A municipal corporation that has established a fund pursuant to subdivision forty-four of section sixteen hundred four of the education law, subdivision twelve-b of section seventeen hundred nine of the education law, subdivision fifty-four of section twenty-five hundred ninety-h of the education law, or section six-t or six-u of the general municipal law, may adopt a local law, or in the case of a school district, a resolution, authorizing a tax credit to be provided pursuant to this section for contributions to such fund. For purposes of this section, a municipal corporation that has established such a fund and authorized such a credit shall be referred to as a "participating" municipal corporation.

(b) On and after a date specified in the local law or resolution adopted by a participating municipal corporation pursuant to paragraph (a) of this subdivision, the owner or owners of real property shall be allowed a credit against the real property taxes of a participating municipal corporation that have been imposed upon such property. The amount of such credit shall equal ninety-five percent, or such lesser allowable percentage credit as may have been established pursuant to paragraph (c) of this subdivision, of the amount contributed by one or more of the owners of such property during the "associated credit year" as defined in this section, to any or all of the funds established by such municipal corporation, subject to the limit established pursuant to paragraph (c) of this subdivision, if any.

(c) The participating municipal corporation may establish a limit upon the amount or percentage of such credit to be allowed in any given fiscal year, in which case the amount of such credit shall not exceed any limit so established. Any such limit shall be adopted by local law, or in the case of a school district, by resolution, which local law or resolution may either be the same as or separate from the local law or resolution that initially authorized the credit. Once such a limit has been adopted, it may be amended or repealed thereafter by local law, or

in the case of a school district, by resolution, provided that any such amendment or repeal shall only apply to taxes of the participating municipal corporation for fiscal years commencing after the adoption of such local law or resolution. A copy of any local law or resolution establishing, amending or repealing such a limit shall be provided to the collecting officer who collects the taxes of the participating municipal corporation.

2. For purposes of this section, the "associated credit year" shall be the twelve-month period during which the owner of the property has made a contribution described in subdivision one of this section that ends on the last day prescribed by law on which the taxes of the participating municipal corporation may be paid without interest or penalties, subject to the following:

(a) Where such taxes are payable in installments, such twelve-month period shall end on the last day prescribed by law on which the first installment of such taxes may be paid without interest or penalties.

(b) Where a participating municipal corporation is a city school district that is subject to article fifty-two of the education law, such twelve-month period shall end on the last day prescribed by law on which city taxes may be paid without interest or penalties, or if applicable, on the last day prescribed by law on which the first installment of such taxes may be paid without interest or penalties.

(c) Each such twelve-month period shall be determined without regard to the possibility that the period prescribed by law for paying such taxes without interest or penalties may be extended due to a delay in the first publication of the collecting officer's notice as provided by sections thirteen hundred twenty-two or thirteen hundred twenty-four of this chapter or a comparable law, or due to an executive order issued in connection with a state disaster emergency as provided by subdivision two of section nine hundred twenty-five-a of this chapter.

3. The credit authorized by this section shall be administered as follows:

(a) The administrator of the fund or its designated agent shall, upon receiving a contribution to the fund specified in subdivision one of this section during a credit year, furnish the property owner with an

acknowledgement in duplicate. Such acknowledgement shall be provided on a form prescribed by the commissioner and shall specify the amount of the contribution, the name and address of the donor, the date the contribution was received, the authorized signature of the administrator or agent, and such other information as the commissioner shall require.

(b) After receiving such an acknowledgement, the property owner may present it to the appropriate collecting officer on or before the last day prescribed by law on which taxes may be paid without interest or penalty, together with a credit claim on a form prescribed by the commissioner. Such credit claim form shall contain the name of the property owner or owners, the date and amount of the contributions made to the account during the associated credit year, the address of the property to which the credit claim relates, and such other information as the commissioner shall require. Notwithstanding any provision of law to the contrary, the collecting officer shall thereupon be authorized and directed to grant the property owner a tax credit equal to ninety-five percent, or such lesser allowable percentage credit as may have been established pursuant to paragraph (c) of subdivision one of this section, of the amount of the contributions made during the associated credit year as specified on the acknowledgement, and to reduce the tax liability on the parcel accordingly, provided that such credit may not exceed any percentage credit or other limit established by the participating municipal corporation pursuant to paragraph (c) of subdivision one of this section, if such a limit has been established, and may not exceed the property taxes due or paid that are attributable to the participating municipal corporation. Where taxes are payable in installments, if the credit exceeds the amount of the first installment, the excess shall be applied to future installments until exhausted. The participating municipal corporation may adopt a local law, or in the case of a school district, a resolution, providing that where a property owner submits a credit claim form to the collecting officer prior to the collecting officer's receipt of the tax warrant, or such other date as may be specified in such local law or resolution, the associated property tax bill shall reflect a reduction in the tax liability equal to the credit authorized by this section; provided however that if the collecting officer is not employed by the participating municipal corporation, such local law or resolution shall not take effect unless

and until the governing body of the municipal corporation that employs the collecting officer has adopted a resolution agreeing thereto. The department of financial services, in consultation with the department, shall promulgate regulations related to the adjustment of mortgage escrow accounts to reflect the credits provided pursuant to this section.

(c) If the property owner fails to present the acknowledgment and credit claim form to the collecting officer on or before the last day prescribed by law on which taxes may be paid without interest or penalty, he or she may present the same to the chief fiscal officer or chief financial officer of the participating municipal corporation, or to a member of his or her staff. Such officer shall thereupon be authorized and directed to grant the property owner a refund of property taxes in the amount of the credit, which amount shall be equal to ninety-five percent, or such lesser allowable percentage credit as may have been established pursuant to paragraph (c) of subdivision one of this section, of the total contributions made during the associated credit year, provided that such refund shall not exceed the property taxes that have been paid on the property or any percentage credit or other limit established pursuant to paragraph (c) of subdivision one of this section, if any, and may not exceed the property taxes due or paid that are attributable to the participating municipal corporation. Provided further, that no interest shall be payable on such refund if paid within forty-five days of the receipt of the acknowledgment and credit claim form. The owner of the property may file such refund claim with the authorized officer at any time during the three year period beginning immediately after the last day such taxes were payable without interest or penalty.

4. The amount of the itemized deduction that may be claimed by a taxpayer under section six hundred fifteen of the tax law with respect to the taxes paid on such property may not exceed the amount of the taxes of a participating municipal corporation that have been imposed upon such property minus the amount of the credit provided pursuant to this section.

§ 981. Tax statements to include notice of arrears. 1. Notwithstanding any general, special or local law, if at the time of the preparation of a statement of taxes, the real property to which the statement relates is subject to a delinquent tax, the statement of taxes shall include a legend in substantially the following form:

"Taxes from one or more prior levies remained due and owing when this statement of taxes was prepared. Payment of the arrears should be made to (insert name, address and telephone number of the enforcing officer, or, if the delinquent tax lien has been sold pursuant to title five of article eleven of this chapter, insert name, address and telephone number of the purchaser or its collection agent). To determine the amount in arrears, contact that office. Continued failure to pay all of the taxes levied against the property will result in your loss of the property."

2. Upon the request of the collecting officer, a list identifying the parcels to which this provision applies shall be furnished annually to the collecting officer by the enforcing officer, as defined by section eleven hundred two of this chapter, no later than the thirtieth day prior to the last date prescribed by law for the mailing of a statement of taxes. In lieu of providing such a list, the enforcing officer may furnish a copy of the list of delinquent taxes filed pursuant to section eleven hundred twenty-two of this chapter, if available.

3. Failure to include such a legend shall not invalidate any tax or prevent the enforcement of the same as provided by law.

4. The provisions of this section shall not apply to tax statements prepared by the collecting officer of a school district or a village for which the county enforces delinquent taxes pursuant to section fourteen hundred forty-two of this chapter.

§ 982. Notice to non-residents in towns. 1. Any person or corporation, who or which owns or has an interest in real property liable to taxation in a town and is a non-resident thereof, may file

with the town clerk thereof a notice stating (a) his name, residence and post-office address, or in case of a corporation, its principal office, (b) a description of the property sufficient to identify the same and (c) if situated in a village or school district, the name of each village and number and designation of each school district, and requesting that statements of all town, village and school taxes be delivered to him by registered mail. Such notice shall be valid and continue in effect until cancelled by such person or corporation.

2. The town clerk shall, within five days after the delivery of the warrants for the collection of taxes in the town, village and school district, respectively, in which such real property is situated, furnish the collecting officer thereof with a transcript of all notices so filed. Each such collecting officer shall, within five days after the receipt of such transcript, send by registered mail to each person or corporation filing such notice, at the post-office address stated therein, a statement of the amount of taxes due and the times and places at which the same may be paid.

3. If the statement is not furnished as herein provided, no fee, penalty or interest shall be charged for the collection of any taxes with respect to which the statement was not sent, provided the tax is paid before the collecting officer makes his return of unpaid taxes.

4. The town clerk shall be entitled to receive a fee of one dollar from each person or corporation filing a notice pursuant to this section, which shall be payment in full for all services rendered hereunder. The expenses for postage, printing and stationery required in sending such statements by town, village or school district collecting officers shall be a charge on the town, village or school district as the case may be, except that the expense of registering the statements shall be added to the taxes due.

§ 984. Notice to non-residents in cities. 1. Any person or corporation, who or which owns or has an interest in real property liable to taxation in any city and is a non-resident thereof, may file

with the city clerk of the city a notice stating (a) his name, residence and post-office address, or in case of a corporation, its principal office, and (b) a description of the property sufficient to identify the same and requesting that statements of taxes be mailed to him. Such notice shall be valid and continue in effect until cancelled by such person or corporation.

2. The city clerk shall, within five days after the delivery of the warrants for the collection of any tax therein, furnish to the collecting officer, a transcript of all notices so filed. Each such collecting officer, within five days after the receipt of such transcripts, shall mail to each person or corporation filing such notice, at the post-office address stated therein, a statement of the amount of taxes due on such property and the times and places at which the same may be paid.

3. If the statement is not furnished as herein provided, no fee, penalty or interest shall be charged for the collection of any tax with respect to which the statement was not sent, provided the tax is paid before the collecting officer makes his return of unpaid taxes.

4. The city clerk shall be entitled to receive a fee of one dollar from each person or corporation filing a notice pursuant to this section, which shall be payment in full for all services rendered hereunder.

§ 986. Receipts for taxes. 1. The collecting officer shall upon request or by notice on the tax bill of a person paying a tax, deliver, forward by mail, or, subject to the provisions of section one hundred four of this chapter, transmit electronically a receipt to such person specifying the date of such payment, the name of such person, the description of the property as shown on the tax roll, the name of the person to whom the same is assessed, the amount of such tax and the date of delivery to such officer of the tax roll on account of which such tax was paid, except that the collecting officer of the city of New York shall not be required to give such a receipt unless payment of a tax is

made in money or unless the person paying the tax makes a request therefor in writing. Nothing contained in this subdivision shall prevent the collecting officer from delivering, forwarding by mail, or transmitting electronically a receipt to any person paying a tax who does not request such a receipt or make a proper notation on the tax bill. Provided, however, if a tax is paid by a mortgage investing institution pursuant to title three-A of this article, a receipt for each paid tax bill shall be delivered, mailed, or transmitted electronically to the mortgagor pursuant to the provisions of section nine hundred fifty-five of this article.

2. The comptroller shall prescribe the form of such receipts and they shall be furnished to the town collecting officer by the board of supervisors at the expense of the county; to the city collecting officer by the council at the expense of the city; to the village collecting officer by the village trustees at the expense of the village; to the school collecting officer by the school authorities at the expense of the school district. The expense of mailing receipts shall be a charge against the appropriate city, town, village or school district.

3. At the time of giving such a receipt the collecting officer shall retain a copy thereof which shall be subject to public inspection and shall be filed with his return to the county treasurer or such officer or board to which he makes his return.

4. The governing body of any municipal corporation, may by ordinance or resolution require the use by the collecting officer of a mechanical receipting device containing locked-in records of receipts approved by the state comptroller in those municipal corporations whose accounts the state comptroller has power to audit and in other municipal corporations by the city comptroller thereof, in lieu of the receipts required by this section. Such locked-in records of receipts shall be removed daily from such device by the collecting officer, or by a designated subordinate authorized to do so by the collecting officer in writing, and when removed, they shall be kept in consecutive and chronological order securely fastened in a book or bound volume. It shall be the duty of the governing body of such municipal corporation to provide such

receipting device and records at the expense of such municipal corporation. After such system is installed and until such action is rescinded by like ordinance or resolution, the collecting officer shall use such device only while giving receipts for taxes paid to him.

§ 987. Notice of unpaid taxes. 1. The collecting officer shall, on or after the thirty-first day following the expiration of the period during which taxes may be paid without interest, but no later than the sooner of the eighty-fifth day after such expiration or the fifteenth day prior to the expiration of the warrant for the collection of taxes, mail a notice to each owner of real property upon which taxes remain unpaid on the tax roll to which his or her warrant relates; provided, however, in the county of Monroe, the collecting officer shall no later than the sooner of the ninetieth day after such expiration or the fifteenth day prior to the expiration of the warrant for the collection of taxes, mail a notice to each owner of real property upon which taxes remain unpaid on the tax roll to which his or her warrant relates. This notice shall be sent to the mailing address of the owner and a copy of such notice shall be sent to the tax billing address, if different. The governing body of the municipal corporation may adopt a local law or resolution providing for the expense of mailing such notices, which shall be an additional penalty of not more than two dollars chargeable against the parcel. Such notice shall at least contain the following and may be attached to or be part of a duplicate copy of the tax bill:

"The taxes on your property have not been paid. If the taxes should have been paid through a real property tax escrow account, please immediately notify the holder of the account that the taxes have not yet been paid."

2. In a municipal corporation which accepts payments of taxes in installments, the provisions of this section shall be applicable to each unpaid installment; provided, however, that with respect to the first installment payment for any fiscal year, the notice required by this section shall be sent no later than eighty-five days after the last date on which such payment was payable without interest, provided, however, in the county of Monroe the notice required by this section shall be

sent no later than ninety days after the last date on which such payment was payable without interest, and that with respect to installment payments other than the first installment payment for a fiscal year, such notice shall be sent no later than one hundred twenty days after the last date on which such installment was payable without interest.

3. The address to which each such notice to the owner shall be mailed shall be the mailing address of the owner as reported pursuant to section five hundred seventy-four of this chapter or as otherwise reported to the collecting officer; provided, however, that if no such address has been reported, such notice shall be mailed to the address of the property as shown on the tax roll.

4. The failure to mail any such notice, or the failure of the addressee to receive the same, shall not in any way affect the validity of taxes or interest prescribed by law with respect thereto.

5. The provisions of this section shall apply to all municipal corporations, other than school districts, notwithstanding any general, special or local law to the contrary; provided, however, that where a school district tax has been levied together with the taxes of a city or town, the notice of the city or town collecting officer shall make reference to the school district taxes.

§ 988. Remedy of occupant for taxes paid by him. If a tax upon real property has been collected from any occupant, and any other person by agreement or otherwise is liable to pay such tax or any part thereof, such occupant shall be entitled to recover the amount which such person should have paid or to retain the same from any rent due or accruing from him to such person for the land on which the tax was paid.

§ 990. Supplementary proceedings to collect taxes. 1. If a tax exceeding ten dollars is returned by the proper collecting officer uncollected, the enforcing officer may within one year thereafter, or at such time as may otherwise be prescribed by law, apply to the court for

the institution of proceedings supplementary to execution, as upon a judgment docketed in such county, for the purpose of collecting such tax and fees with interest and other charges thereon.

2. Such proceedings may be taken against a corporation, and the same proceedings may be had in all respects for the collection of taxes owed by it as for the collection of a judgment by proceedings supplementary to execution against a natural person, and the same costs and disbursements may be allowed against the person or corporation examined as in such supplementary proceedings but none shall be allowed in his, hers, or its favor.

3. The tax, if collected in such proceeding, shall be paid to the enforcing officer of the municipal corporation for which the enforcing officer enforces the collection of delinquent taxes, or if the enforcing officer is not authorized to receive payments of delinquent taxes, to the official who is so authorized. The costs and disbursements collected shall belong to the party instituting the proceedings, and shall be applied to the payment of the expense of such proceeding.

4. For purposes of this section, the terms "charges" and "enforcing officer" shall have the meanings set forth in article eleven of this chapter.

§ 992. Action for sequestration. 1. Notwithstanding any provisions of a county tax act to the contrary, it shall be the duty of the attorney general, upon being informed by the county treasurer of any county having a population of one hundred thousand or less that any corporation refuses or neglects to pay the taxes imposed upon it pursuant to this chapter, to bring an action in the supreme court for the sequestration of the property of such corporation.

2. Whenever any corporation refuses or neglects to pay the taxes imposed upon it pursuant to this chapter, the chief fiscal or legal officer of a municipal corporation having a population in excess of one hundred thousand empowered to enforce the collection of delinquent taxes

to whom said taxes are due and owing may bring an action in the supreme court for the sequestration of the property of such corporation.

3. The court may sequester the property of such corporation for the purpose of satisfying taxes in arrears, and may in its discretion enjoin such corporation from further proceedings under its charter until such tax and the costs incurred in the action have been paid. The attorney general or the chief fiscal or legal officer of a county having a population in excess of one hundred thousand to whom such tax is owing, whichever official has initiated the action for sequestration may recover such tax with costs from such delinquent corporation by action in any court of record.

4. The attorney general may, at his or her own discretion, also assume the authority of this section upon the joint request of the chief fiscal officer and legal officer of the municipal corporation having a population in excess of one hundred thousand empowered to enforce the collection of delinquent taxes in which such real property is located. Such request must attest that the unpaid taxes were levied no earlier than four years prior to such request, and that (i) such action by either the chief fiscal officer or chief legal officer would constitute a conflict of interest, or (ii) the real property subject to such action is part of a system which provides water or sanitary sewerage services to property owners and the rates for such services are regulated by the public service commission. In the event that the attorney general assumes the authority of this section following such request, all expenses incurred by the attorney general, including the salary or other compensation of all deputies employed, shall be a charge against the municipal corporation having a population in excess of one hundred thousand making such request, provided, however, that in no event shall such charges payable to the attorney general exceed the amount of unpaid taxes actually recovered pursuant to this section.

§ 994. No fine or imprisonment for non-payment of taxes. Neglect or refusal to pay any tax shall not be punishable as a contempt or as misconduct and no fine shall be imposed for such non-payment, nor shall

any person be imprisoned or otherwise punishable on account of non-payment of any tax or of any fine imposed for refusal or neglect to pay such tax. This section shall not apply to proceedings supplementary to execution upon judgments recovered for taxes.

§ 995. Collection of taxes and special assessments from a municipal corporation. Real property owned by a municipal corporation shall not be sold or conveyed by foreclosure or otherwise for the nonpayment of any tax or special assessment. Any tax or special assessment validly levied or charged against real property owned by a municipal corporation shall be paid in the same manner as a general municipal charge. If any such tax or special assessment remains unpaid for more than sixty days after demand therefor in writing has been filed with the chief executive officer or clerk of such municipal corporation, payment may be enforced by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules. If the municipal corporation owning the real property determines that the value thereof is insufficient to justify payment of the tax or special assessment levied thereon, in lieu of payment it may consent to an order directing sale of the property at public auction on such notice as the court may order to satisfy the claim.

§ 996. Contracts with banks for the collection of taxes and certain special assessments. 1. Notwithstanding any general, special or local law to the contrary, a municipal corporation having the responsibility for collection of taxes or special assessments, or both, may enter into agreements with a bank, or with two or more banks, for the collection of taxes and special assessments which are collected together with such taxes. For purposes of this section, the term "bank" shall have the same meaning as in paragraph d of subdivision one of section ten of the general municipal law. The term "special assessments" shall be limited to those special assessments collected together with taxes.

2. A bank that has entered into an agreement pursuant to this section shall: (a) accept payments of taxes or special assessments, or both, for

a period beginning on the day on which the warrant for the collection of taxes is delivered to the collecting officer, and ending on the day on which such warrant expires;

(b) decline any partial payments of a tax bill, or special assessment, or both, except where the municipal corporation is one which is authorized to accept partial payments of taxes or special assessments or both;

(c) collect the appropriate amount of interest on any taxes or special assessments, or both, paid after the end of the interest-free collection period;

(d) furnish receipts to each person paying a tax or special assessment, or both, except that when a tax or special assessment has been paid by a mortgage investing institution pursuant to the provisions of title three-A of this article, receipts shall be delivered or mailed to such mortgage investing institution, subject to the provisions of such title;

(e) deposit all taxes and special assessments and interest collected, immediately upon receipt, in the account or accounts designated by the municipal corporation in such bank, or in any other bank designated by the municipal corporation;

(f) continually maintain records of deposit showing the dates and amounts of all taxes and special assessments collected, and the taxpayers from whom such taxes and special assessments were collected;

(g) transmit to the collecting officer a daily report of the taxes and special assessments collected, which report shall be accompanied by a statement showing the deposits credited to the account of the municipal corporation; and

(h) perform such other duties, and maintain such other records, as the contract may provide.

3. (a) A bank which has entered into an agreement with a municipal corporation pursuant to this section shall be liable to the municipal corporation for all loss or damage which may result from any failure of its officers or agents to discharge their duties, or from any improper or incorrect discharge of those duties. The bank shall save the municipal corporation free and harmless from any and all loss occasioned by or incurred in the performance of services under a contract pursuant

to this section.

(b) A bank which has entered into an agreement with a municipal corporation pursuant to this section, and which receives moneys from a taxpayer for payment of real property taxes or special assessments, or both, shall be liable to such taxpayer, upon failure to properly credit such payment, for the amount of the taxes or special assessments, or both, plus interest and penalties imposed thereon.

4. Moneys deposited with a bank pursuant to this section shall be secured in the manner provided by section ten of the general municipal law.

5. The statutory powers and duties of a tax collecting officer, including the authority to receive taxes, shall not be affected by the existence of a contract executed pursuant to this section, except that the collecting officer shall: (a) notify the bank upon receiving the warrant for the collection of taxes or special assessments, or both;

(b) include in the appropriate notices the fact that taxes or special assessments, or both, may be paid to the bank;

(c) notify the bank of the date on which the interest-free collection period expires;

(d) make the appropriate entries in the official records, upon receiving each daily report of taxes and special assessments collected by the bank; and

(e) make the accounting and return, as provided by law, upon receipt from the bank of the final daily report of taxes and special assessments collected.

6. A contract executed pursuant to this section shall be subject to the requirements of article five-A of the general municipal law, and shall be for a term not to exceed five years, except that it shall be subject to cancellation by the municipal corporation at any time upon thirty days notice to the bank.

§ 999. Levy and collection of certain taxes in the county of Ontario and city of Geneva. Notwithstanding any other provisions of law to the

contrary, every tax apportioned and directed to be levied by the board of supervisors of the county of Ontario in the city of Geneva shall be levied and collected as follows:

1. Levy of county taxes. (a) Certification of county taxes. The board of supervisors shall annually equalize the assessments within the city of Geneva with the other cities and towns in the county and shall, by resolution, apportion and direct the amount of tax to be levied in the city of Geneva for county and other lawful purposes. On or before the seventh day of December in each year, the board of supervisors shall file with the city clerk of the city of Geneva a certified copy of such resolution under the seal of the county.

(b) Levy by city council. The city council shall, by resolution adopted at a general or special meeting held on or before the seventh day of December in each year, or as soon thereafter as practicable, cause to be raised by general tax upon all the taxable property within the city, according to the valuation upon the last completed assessment roll, the amount of tax apportioned to the city as certified to the city clerk by the board of supervisors.

(c) Collection of county taxes. The city comptroller pursuant to the resolution of the city council shall immediately extend and apportion such county taxes on the original assessment roll, pursuant to a warrant under the seal of the city, and signed by the mayor and the city clerk, and he shall proceed to collect from the several persons named the sums specified in the roll. The comptroller shall publish a notice in the official newspaper once each week for two successive weeks stating that such taxes may be paid during each collection period during business hours. Such notice shall also state the collection period when taxes may be paid without penalty, and the penalties to be added thereto after non-payment thereof. Every tax shall become a lien against the real estate affected thereby on the date when it becomes due and payable.

2. Collection periods and penalties. City taxes and taxes directed to be levied by the board of supervisors of Ontario county for county and other lawful purposes in the city of Geneva, of each fiscal year, shall be due and payable in two equal installments during the business days of the months of January and May of each year, which are hereby defined as

the collection periods. Whenever the last day to pay taxes without penalty falls on Saturday, Sunday, or a legal holiday, such taxes may be paid without penalty on the next business day. If any installment of such tax shall not be paid when due as hereinabove provided, such installment shall become delinquent. Thereupon, a penalty of one per centum shall be added to the unpaid installment and an additional one per centum shall be added thereafter for each additional month or fraction thereof. Any person may pay the total amount of any such tax for which he is liable at the time when the first installment shall be payable.

3. Partial payments. The comptroller shall accept partial payments from any taxpayer at any time for any unpaid tax due the city or for which the city is the collection agent or responsible for the collection of such taxes, provided all accrued interest and penalties on the part so paid are also paid, and all taxes levied earlier on the same property, together with all accrued interest and penalties thereon, have been paid or are paid at the same time. Such partial payments shall not serve to extend the period of tax delinquency beyond that provided by law, and no payment shall be less than twenty-five per centum of the original tax. Thereafter interest and penalties shall accrue only on the unpaid balance, but such unpaid balance shall be subject to all the provisions for enforcement of collection that apply to other unpaid taxes.

4. Settlement of county taxes. It shall be the duty of the comptroller of the city to pay the treasurer of the county at the end of each month all the moneys he shall have then received for taxes for state and county purposes and if the full amount of such taxes, as required by the board of supervisors, shall not have been paid to the county treasurer on or before the twenty-fifth day of August, then it shall be the duty of the city comptroller to pay such deficiency with any moneys available therefor; and thereafter all such unpaid state and county taxes shall belong to the city and shall be enforced and collected in the manner provided for city taxes. The city comptroller shall not be required to make any return of unpaid taxes to the county treasurer, or to surrender the roll or warrant to him.

ARTICLE 11
**PROCEDURES FOR ENFORCEMENT
OF COLLECTION OF DELINQUENT TAXES**

- Title 1. Short title; definitions; application.
2. Redemption.
 3. Foreclosure of tax lien by proceeding in rem.
 - 3-A. Homeowner bill of rights and related provisions.
 4. General provisions.
 5. Sales of delinquent tax liens.
 6. Distribution of surplus.

TITLE 1
SHORT TITLE; DEFINITIONS; APPLICATION

- Section 1100. Short title.
1102. Definitions.
 1104. Application of article.
 1106. Adoption by certain tax districts.

§ 1100. Short title. This article may be cited as the "Uniform Delinquent Tax Enforcement Act".

§ 1102. Definitions. When used in this article:

1. "Charges" or "legal charges" means:
 - (a) the cost of the mailing or service of notices required or authorized by this article;
 - (b) the cost of publication of notices required or authorized by this title;
 - (c) the amount of any interest and penalties imposed by law;
 - (d) the cost of recording or filing legal documents required or authorized by this article;
 - (e) the cost of appraising a parcel for the purpose of determining the

existence and amount of any surplus pursuant to section eleven hundred ninety-six of this article;

(f) the reasonable and necessary cost of any search of the public record required or authorized to satisfy the notice requirements of this article, and other reasonable and necessary expenses incurred by a tax district in connection with a proceeding to foreclose a tax lien, including but not limited to administrative, auction and reasonable attorney fees and/or costs associated with the foreclosure process; provided, that: (i) a charge of up to either two hundred fifty dollars per parcel, or two percent of the sum of the taxes, interest and penalties due on the parcel, whichever is greater, shall be deemed reasonable and necessary to cover the combined costs of such searches and the other reasonable and necessary costs and expenses delineated in this paragraph, and such an amount may be charged without substantiation, even if salaried employees of the tax district performed some or all of such services; and (ii) a tax district may charge a greater amount with respect to one or more parcels upon demonstration to the satisfaction of the court having jurisdiction that such greater amount was reasonable and necessary; and

(g) the amount owed to the tax district by virtue of a judgment lien, a mortgage lien, or any other lien held by the tax district that is not a delinquent tax lien.

(h) Charges shall be deemed a part of the delinquent tax for purposes of redemption and determination of surplus.

2. "Delinquent tax" means an unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of a municipal corporation or special district, plus all applicable charges, relating to any parcel which is included in the return of unpaid delinquent taxes prepared pursuant to section nine hundred thirty-six of this chapter or such other general, special, or local law as may be applicable. In no event, however, shall "delinquent tax" include any unpaid tax or other charge against lands owned by the state.

3. "Enforcing officer" means any elected or appointed officer of any tax district empowered or charged by law to enforce the collection of

tax liens on real property; provided, however, that (a) where no law provides otherwise, the enforcing officer shall be (i) in a county which is a tax district, the county treasurer or commissioner of finance, (ii) in a city which is a tax district, the official so empowered or charged by the city charter, (iii) in a village which is a tax district, the village treasurer, and (iv) in a town which is a tax district, the town supervisor; and (b) when the duties and powers of an "enforcing officer" are vested in two or more elected or appointed officials, the governing body of the tax district shall designate which of such officials shall act as enforcing officer for the purposes set forth in this article. The enforcing officer and other officials of the tax district who have responsibilities affecting the enforcement process shall work cooperatively to facilitate the enforcement process.

4. "Lien date" means the date on which the tax or other legal charges represented thereby became a lien, as provided by section nine hundred two of this chapter or such other general, special or local law as may be applicable, provided, that when the taxes of a school district are enforced by a tax district without being relieved by the tax district, and the lien date of the school district taxes differs from the lien date of the taxes of the tax district which are levied upon the same assessment roll, the later of the two such dates shall be deemed to be the lien date for purposes of this article.

5. "Person" means an individual, a corporation (including a foreign corporation and a municipal corporation), a joint stock association, a partnership, the state, and any other organization, state, government or county which may lawfully own property in the state.

6. "Tax district" means: (a) a county, other than (i) a county for which the cities and towns enforce delinquent taxes pursuant to the county administrative code, or (ii) a county wholly contained within a city;

(b) a city, other than a city for which the county enforces delinquent taxes pursuant to the city charter;

(c) a village, other than a village for which the county enforces delinquent taxes pursuant to section fourteen hundred forty-two of this

chapter; or

(d) a town in a county in which towns enforce delinquent taxes pursuant to the county administrative code.

§ 1104. Application of article. 1. The provisions of this article shall apply to all counties, cities, towns and villages in this state, and shall supersede any inconsistent general, special or local law, subject to the provisions of subdivision two of this section.

2. The provisions of this article shall not be applicable to a county, city or town which: (i) on January first, nineteen hundred ninety-three, was authorized to enforce the collection of delinquent taxes pursuant to a county charter, city charter, administrative code or special law; (ii) adopted a local law, no later than July first, nineteen hundred ninety-four, providing that the collection of taxes in such county, city or town shall continue to be enforced pursuant to such charter, code or special law, as such charter, code or special law may from time to time be amended; and (iii) filed a copy of such local law with the commissioner no later than August first, nineteen hundred ninety-four.

§ 1106. Adoption by certain tax districts. 1. Procedure. A local law adopted by an eligible county, city or town pursuant to subdivision two of section eleven hundred four of this article may be repealed without referendum. Upon such a repeal, the provisions of this article shall be applicable to the enforcement by such county, city or town of all taxes which shall have become liens on or after the date on which such repeal shall have become effective. A copy of the local law effectuating such a repeal shall be filed with the commissioner no later than thirty days after the adoption thereof.

2. Pre-existing liens held by the tax district. (a) For purposes of the enforcement of taxes which shall have become liens prior to the effective date of such repeal, and which are held by the tax district, the provisions that shall have been in effect on the last day preceding the effective date of such repeal shall continue in effect, for a

transition period of a duration to be specified in the local law effectuating such repeal. Such transition period shall conclude no later than four years from the effective date of such repeal.

(b) During such transition period, if a parcel is subject both to a lien or liens arising prior to the effective date of the repeal and to a lien or liens arising on or after such effective date, the procedures applicable to the enforcement of delinquent taxes shall depend upon the lien or liens upon which the enforcement proceeding is based; provided, that if an installment agreement is executed pursuant to section eleven hundred eighty-four of this article, the agreement shall apply to all outstanding liens held by the tax district, no matter when arising.

(c) After the conclusion of such transition period, if the enforcement of such prior lien or liens shall not have been concluded, as evidenced by the issuance of a tax deed, the amount due shall be relieved and enforced in accordance with the procedures then applicable to the enforcement of taxes.

3. Pre-existing liens held by other parties. For purposes of the enforcement of taxes which shall have become liens prior to the effective date of such repeal, and which are held by a party other than the tax district, the provisions of the applicable general, special or local laws that shall have been in effect on the last day preceding such date, shall continue in effect, as fully and to the same extent as if such laws had not been repealed or superseded by this article.

4. Transitional option. With regard to taxes becoming liens during the first year beginning on the effective date of such repeal, the tax district may adopt a local law without referendum increasing the redemption period for all property to three or four years after lien date. With regard to taxes becoming liens during the following year, the tax district may adopt a local law without referendum increasing the redemption period to three years after lien date.

TITLE 2

REDEMPTION

Section 1110. Redemption, generally.

- 1111. Redemption of residential or farm property in certain tax districts.
- 1111-a. Expedited foreclosure proceedings for vacant and abandoned residential real property.
- 1112. Redemption of property subject to more than one tax lien.
- 1113. Redemption of residential property for certain persons deployed by the military in certain tax districts.
- 1114. Redemption of a partial interest.

§ 1110. Redemption, generally. 1. Real property subject to a delinquent tax lien may be redeemed by payment to the enforcing officer, on or before the expiration of the redemption period, of the amount of the delinquent tax lien or liens, including all charges authorized by law. If the enforcing officer is not authorized to receive such payments, such payment shall be made to the official who is so authorized.

2. The redemption period shall expire two years after lien date, except that a tax district may increase the redemption period for residential or farm property in the manner provided by section eleven hundred eleven of this article, or a tax district may reduce the redemption period for residential vacant and abandoned property to one year provided the property has been placed on a vacant and abandoned roll, or registry or list prior to the date on which taxes become delinquent in the local municipality, pursuant to section eleven hundred eleven-a of this article. Notwithstanding the foregoing, if the notice published pursuant to section eleven hundred twenty-four of this article specifies a later date for the expiration of the redemption period, the redemption period shall expire on the date so specified.

3. If a parcel is redeemed which has been included on a list of delinquent taxes that has been filed pursuant to section eleven hundred twenty-two of this article, the enforcing officer shall, upon request, issue a certificate of redemption. Upon the filing of such certificate with the county clerk, the county clerk shall enter on such list the

word "redeemed" and the date of the filing opposite the description of such parcel on the list of delinquent taxes. Such notation shall operate to cancel the notice of pendency with respect to such parcel.

§ 1111. Redemption of residential or farm property in certain tax districts. 1. For purpose of this article:

(a) "Farm property" means property which primarily consists of land used in agricultural production, as defined in article twenty-five-AA of the agriculture and markets law. A parcel shall be deemed to be farm property for purposes of this article if the applicable tax roll shows that (i) the parcel is exempt from taxation pursuant to section three hundred five or three hundred six of the agriculture and markets law, or pursuant to section four hundred eighty-three of this chapter, or (ii) the assessor has assigned to the parcel a property classification code in the agricultural category.

(b) "Residential property" means property which is improved by a one, two or three family structure used exclusively for residential purposes other than property subject to the assessment limitations of section five hundred eighty-one of this chapter and article nine-B of the real property law. A parcel shall be deemed to be residential property for purposes of this article if the applicable tax roll shows that (i) the assessor has assigned to the parcel a property classification code in the residential category, or (ii) the parcel has been included in the homestead class in an approved assessing unit, or in class one in a special assessing unit.

(c) "Property classification codes" means the property classification system prescribed by the commissioner pursuant to section five hundred two of this chapter and the rules adopted thereunder.

2. A tax district may adopt a local law without referendum increasing the redemption period for residential or farm property, or both, to three or four years after lien date. A local law increasing the redemption period as authorized by this section may be amended or repealed by local law adopted without referendum. Any such amendment or repeal shall not apply to taxes that shall have become liens while the former local law shall have been effective. A copy of any local law

adopted pursuant to this section shall be filed with the commissioner for informational purposes within thirty days after the enactment thereof.

3. When determining whether a parcel qualifies as residential or farm property for purposes of this article, the enforcing officer shall consider the information appearing on the applicable tax roll. The enforcing officer shall also consider any relevant information submitted to him or her by the assessor, by the owner, or by any other person with an interest in a parcel, subject to the following:

(a) If the submission is made after the enforcing officer has filed a list of delinquent taxes pursuant to section eleven hundred twenty-two of this article that pertains specifically to property other than residential or farm property, and the enforcing officer determines that a parcel on the list is residential or farm property, the parcel shall be accorded the redemption period applicable to residential or farm property, notwithstanding the fact that it appears on the list pertaining to other property.

(b) If the submission is made after the enforcing officer has filed a petition of foreclosure pursuant to section eleven hundred twenty-three of this article that pertains specifically to properties other than residential or farm properties, and the enforcing officer determines that a parcel affected by the petition is residential or farm property, the enforcing officer shall withdraw the parcel from foreclosure in the manner provided by section eleven hundred thirty-eight of this article. Provided, however, that (i) the submission shall not be considered an answer to the foreclosure petition unless interposed as an answer in the manner provided by this article, and (ii) if no answer is interposed, and the enforcing officer does not withdraw the parcel from foreclosure, a judgment in foreclosure may be taken by default as provided by section eleven hundred thirty-six of this article.

(c) No such submission may be accepted after the expiration of the redemption period applicable to property which is not residential or farm property.

4. In lieu of submitting information to the enforcing officer as provided by this section, or in addition thereto, a respondent may raise

the issue in an answer interposed pursuant to this article. If the court determines that the parcel qualifies as residential or farm property and, as such, is not yet subject to foreclosure, the enforcing officer shall withdraw the parcel from foreclosure in the manner provided by section eleven hundred thirty-eight of this article.

5. If the information appearing on the tax roll does not qualify a parcel as residential or farm property, and it is not demonstrated in the manner provided by this section that the parcel is residential or farm property, the parcel shall be presumed not to be residential or farm property for purposes of this article.

§ 1111-a. Expedited foreclosure proceedings for vacant and abandoned residential real property. 1. Finding of vacancy and abandonment by affidavit. Except in cities with a population of one million or more, an enforcing officer or his or her agent may determine that a residential real property is vacant and abandoned under this section. Such property may be subject to a redemption period of one year, only if the enforcing officer or his or her agent makes an affidavit to that effect and the property has been placed on a local municipal roll, registry or list of vacant and abandoned property maintained by the taxing municipality.

2. Enforcing officer. (a) For purposes of this section "enforcing officer" shall mean the person employed by the municipality to enforce state and local land use regulations such as the New York State Property Maintenance Code or the New York State Uniform and Fire Prevention and Building Code, or his or her agent.

(b) The enforcing officer or his or her agent must conduct at least three consecutive inspections of residential real property believed to be vacant and abandoned, with each inspection occurring at least thirty days apart and at different times of the day. The enforcing officer must include in his or her affidavit the dates and times of inspections and a statement that each inspection reasonably indicated that no occupant was present and that there was no evidence of occupancy on the property to indicate that any persons were residing there.

(c)(1) For purposes of this subdivision, the "evidence of abandonment"

that the enforcing officer or his or her agent considers during such consecutive inspections shall include but not be limited to any of the following conditions: (i) overgrown or dead vegetation; (ii) an accumulation of newspapers, circulars, flyers or mail; (iii) past due utility notices, disconnected utilities, or utilities not in use; (iv) an accumulation of trash refuse or other debris; (v) the absence of window coverings such as curtains, blinds, or shutters; (vi) one or more boarded, missing or broken windows; (vii) that the property is open to casual entry or trespass; or (viii) that the property has a building or structure that is or appears structurally unsound or has any other condition that presents a potential hazard or danger to the safety of persons. At least three separate reasonable indications of abandonment are required for a determination of abandonment by the enforcing officer or his or her agent observed on each of his or her consecutive inspections made pursuant to paragraph (b) of this subdivision. A listing of all indications relied on shall be included in the affidavit along with the dates and times observed.

(2) Residential real property shall not be deemed vacant and/or abandoned where such property is: (i) an unoccupied building which is undergoing construction, renovation or rehabilitation that is proceeding to completion, and the building is in compliance with all applicable ordinances, codes, regulations and statutes; (ii) a building occupied on a seasonal basis; (iii) a building that is the subject of a probate action, action to quiet title, or other similar ownership dispute; (iv) a building damaged by a natural disaster and one or more owners intends to repair and reoccupy the property; or (v) occupied by the taxpayer, a relative of the taxpayer or a tenant lawfully in possession.

(d) The affidavit required by this subdivision shall include language indicating the enforcing officer or his or her agent in his or her professional opinion has made a determination that the property is vacant and abandoned.

3. Notice. (a) The affidavit described in subdivision two of this section shall be served on the property owner or owners pursuant to section three hundred eight of the civil practice law and rules within one week of having the enforcing officer's signature affixed to it.

(b) The affidavit and copies of all attached pictures, exhibits and

other supporting documentation shall be filed with the clerk of the town, village, or city in which the real property is located within one week of having the enforcing officer's or his or her agent's signature affixed to it.

4. Municipal roll of vacant and abandoned property. (a) All taxing localities may maintain a roll of vacant and abandoned properties. Such roll must include the tax identification number of the lot, the name or names of known legal owners of the property, the date of the finding of vacant and abandonment pursuant to the enforcing officer's affidavit, and any other information the municipality deems necessary.

(b) The roll of vacant and abandoned properties shall be made available to the public.

(c) Upon the placement of any property or lot on the roll, the clerk of the town, village or city in which the real property is located shall serve notice on the property owner or owners, pursuant to section three hundred eight of the civil practice law and rules, that the property has been placed on the roll and the property may be subject to a reduced redemption period of one year if delinquent taxes become owing.

(d) For purposes of this section the term "roll" shall include a registry or list of vacant and abandoned property.

5. Any person or persons, jointly or severably aggrieved under this section may apply to the supreme court for review by proceeding under article seventy-eight of the civil practice law and rules. Such proceeding must be instituted within four months of service of notice on the property owner.

§ 1112. Redemption of property subject to more than one tax lien. 1. When a tax district holds more than one tax lien against a parcel, the liens need not be redeemed simultaneously. However, the liens must be redeemed in reverse chronological order, so that the lien with the most recent lien date is redeemed first, and the lien with the earliest lien date is redeemed last. Notwithstanding the redemption of one or more of the liens against a parcel as provided herein, the enforcement process shall proceed according to the provisions of this article as long as the

earliest lien remains unredeemed.

2. (a) When one or more liens against a parcel are redeemed as provided herein, but the earliest lien remains unredeemed, the receipt issued to the person redeeming shall include a statement in substantially the following form: "This parcel remains subject to one or more delinquent tax liens. The payment you have made will not postpone the enforcement of the outstanding lien or liens. Continued failure to pay the entire amount owed will result in the loss of the property."

(b) Failure to include such a statement on the receipt shall not invalidate any tax lien or prevent the enforcement of the same as provided by law.

3. When all of the liens against the parcel have been redeemed, a certificate of redemption shall be issued upon request, as provided by section eleven hundred ten of this article.

§ 1113. Redemption of residential property for certain persons deployed by the military in certain tax districts. 1. For the purposes of this section:

(a) "Residential property" means property which is improved by a one, two, or three family structure used exclusively for residential purposes other than property subject to the assessment limitations of section five hundred eighty-one of this chapter and article nine-B of the real property law. A parcel shall be deemed to be residential property for purposes of this article if applicable tax roll shows that (i) the assessor has assigned to the parcel a property classification code in the residential category, or (ii) the parcel has been included in the homestead class in an approved assessing unit, or in class one in a special assessing unit.

(b) "Certain persons deployed by the military" means a male or female who was ordered to active military duty, other than training, in the United States armed forces including the reserve components of the armed forces of the United States and the activation lasted for at least six contiguous months, or the owner was killed in action during such

activation.

(c) "Property classification codes" means the property classification system prescribed by the commissioner pursuant to section five hundred two of this chapter and the rules adopted thereunder.

2. A tax district may adopt a local law without referendum increasing the redemption period for residential property for certain persons deployed by the military to four or five years after lien date. A local law increasing the redemption period as authorized by this section may be amended or repealed by local law adopted without referendum. Any such amendment or repeal shall not apply to taxes that shall have become liens while the former local law shall have been effective. A copy of any local law adopted pursuant to this section shall be filed with the commissioner for informational purposes within thirty days after the enactment thereof.

3. When determining whether a parcel qualifies for residential property for certain persons deployed by the military for the purposes of this section, the enforcing officer shall consider the information appearing on the applicable tax roll. The enforcing officer shall also consider any relevant information submitted to him or her by the assessor, by the owner, or by any other person with an interest in a parcel, subject to the following:

(a) If the submission is made after the enforcing officer has filed a list of delinquent taxes pursuant to section eleven hundred twenty-two of this article that pertains specifically to property other than residential property for certain persons deployed by the military, and the enforcing officer determines that a parcel on the list is residential property for certain persons deployed by the military, the parcel shall be accorded the redemption period applicable to the residential property for certain persons deployed by the military, notwithstanding the fact that it appears on the list pertaining to other property.

(b) If the submission is made after the enforcing officer has filed a petition of foreclosure pursuant to section eleven hundred twenty-three of this article that pertains specifically to properties other than residential property for certain persons deployed by the military, and

the enforcing officer determines that a parcel affected by the petition is residential property for certain persons deployed by the military, the enforcing officer shall withdraw the parcel from foreclosure in the manner provided by section eleven hundred thirty-eight of this article. Provided, however, that (i) the submissions shall not be considered an answer to the foreclosure petition unless interposed as an answer interposed, and the enforcing officer does not withdraw the parcel from foreclosure may be taken by default as provided by section eleven hundred thirty-six of this article.

(c) No such submission may be acceptable after the expiration of the redemption period applicable to property which is not residential property for certain persons deployed by the military.

4. In lieu of submitting information to the enforcing officer as provided by this section, or in addition thereto, a respondent may raise the issue in an answer interposed pursuant to this article. If the court determines that the parcel qualifies as residential property for certain persons deployed by the military and as such, is not yet subject to foreclosure, the enforcing officer shall withdraw the parcel from foreclosure in the manner provided by section eleven hundred thirty-eight of this article.

5. If the information appearing on the tax roll does not qualify a parcel as residential property for certain persons deployed by the military, and it is not demonstrated in the manner provided by this section that the parcel is residential property for certain persons deployed by the military, the parcel shall be presumed not to be residential property for certain persons deployed by the military for purposes of this article.

§ 1114. Redemption of a partial interest. 1. A person having an interest in a specific or an undivided part of any parcel subject to a delinquent tax lien, or in an undivided share in any parcel out of which an undivided part is subject to such lien, may redeem such part or share by paying the portion of the total amount required for redemption as is in proportion to the portion of the taxable assessed value of such

property attributable to such interest.

2. Such payment shall be accompanied by an apportionment of such taxable assessed value prepared by the assessor of the assessing unit in which such property is located in the manner prescribed by section nine hundred thirty-two of this chapter, or such other law as may be applicable, and the rules of the commissioner relating thereto.

3. When a partial interest is redeemed in a parcel which has been included on a list of delinquent taxes that has been filed pursuant to section eleven hundred twenty-two of this article, but some or all of the remainder of the parcel remains unredeemed, the enforcing officer shall, upon request, issue a certificate of redemption, describing the part or share of the parcel so redeemed as it was described on the apportionment provided by the assessor pursuant to the applicable law and rules. Upon the filing of such certificate with the county clerk, the county clerk shall enter on such list the notation "partially redeemed" and the date of the filing, opposite the description of such parcel. The notation "partially redeemed" shall have no effect upon the notice of pendency relating to the portion of the parcel on which taxes remain unpaid.

TITLE 3
**FORECLOSURE OF TAX LIEN BY
PROCEEDING IN REM**

Section 1120. Foreclosure by proceeding in rem.

1122. Filing of list of delinquent taxes.

1123. Petition of foreclosure.

1124. Public notice of foreclosure.

1125. Personal notice of commencement of foreclosure proceeding.

1126. Declaration of interest.

1128. Filing of affidavits.

1130. Trial of issues.

1131. Default judgment.

1132. Preference over other proceedings and actions.

1134. Presumption of validity.

- 1135. Application for surplus.
- 1136. Final judgment.
- 1137. Statute of limitations.
- 1138. Withdrawal of parcels from foreclosure.
- 1140. Parcels affected by bankruptcy proceedings.

§ 1120. Foreclosure by proceeding in rem. 1. A proceeding to foreclose a tax lien shall be commenced in the manner provided in this title.

2. The supreme court and the county court shall have concurrent jurisdiction over such proceedings.

§ 1122. Filing of list of delinquent taxes. 1. Ten months after lien date, or as soon thereafter as is practicable, but no sooner than one month after the receipt of the return of unpaid taxes, the enforcing officer of each tax district shall execute a list of all parcels of real property, except those excluded from such list in the manner provided by section eleven hundred thirty-eight of this article, affected by delinquent tax liens held and owned by such tax district.

2. (a) In a tax district which has extended the redemption period for residential or farm property to three or four years, there may be separate lists for property identified as residential or farm property and for other property.

(b) In a tax district which has a roll for vacant and abandoned real property pursuant to section eleven hundred eleven-a of this article there may be a separate roll, registry or list for property identified as vacant and abandoned real property.

(c) In a tax district having a population of fifty thousand or more according to the latest federal census, there may be a separate list for each existing geographical area such as a city, town, village, ward, section or other appropriate area bounded or defined by law.

3. All parcels of real property included in any list shall be numbered

consecutively, by tax map number if applicable.

4. The enforcing officer shall file a duplicate of each list in the office of such enforcing officer, in the office of the attorney for such tax district and in the office of the enforcing officer of any other tax district having a right to enforce the payment of a tax imposed upon any of the parcels described upon such list. The inadvertent failure of the enforcing officer to include one or more parcels in such list shall not affect the validity of any proceeding brought pursuant to this title.

5. Each such list shall be known and designated as the "List of Delinquent Taxes". Where the list comprises parcels in a particular area, the list shall also generally describe the area covered by the list.

6. Each list shall also contain as to each parcel, the following:

(a) A brief description sufficient to identify each parcel affected by such tax lien. In a municipal corporation for which a tax map has been approved by the commissioner, a tax map identification number shall be deemed a sufficient description of any parcel, provided that (i) the parcel has been described by such tax map reference on the tax roll on which the unpaid tax has been levied, and (ii) the tax map as it existed on the taxable status date applicable to the tax roll has been retained in the office of the enforcing officer or in such other office as the enforcing officer may have designated for that purpose in accordance with the rules of the commissioner.

(b) The name or names of the owner or owners of each such parcel as appearing on the tax roll, and, if the parcel has been transferred after the applicable taxable status date, as reported pursuant to section five hundred seventy-four of this chapter.

(c) A statement of the amount of each tax lien upon such parcel, including charges, as of the date of the execution of the list.

7. Such list of delinquent taxes shall be dated and subscribed by the enforcing officer and affirmed by him or her as true under the penalties of perjury. The enforcing officer shall file such list of delinquent taxes in the office of the clerk of the county in which the property

subject to such tax liens is situated no later than two business days after the execution thereof. The filing of such list shall constitute and have the same force and effect as the filing and recording in such office of an individual and separate notice of pendency pursuant to article sixty-five of the civil practice law and rules with respect to each parcel included in such list, notwithstanding the provisions of section six thousand five hundred twelve of the civil practice law and rules.

8. Each county clerk with whom such list of delinquent taxes is filed shall index it in the name of the tax district filing such list. A separate book shall be maintained for this purpose, unless the county clerk maintains a computerized index. The indexing of such list shall constitute due filing, recording and indexing of such notice in lieu of any other requirement under rule six thousand five hundred eleven of the civil practice law and rules or otherwise.

9. Every person, including a tax district other than the one foreclosing, having any right, title or interest in, or lien upon, any parcel described in such list of delinquent taxes may redeem such parcel in the manner provided by title two of this article.

10. (a) After a list of delinquent taxes has been filed, the enforcing officer shall, from time to time, execute a collective statement of redemptions, identifying the parcels which have been redeemed since the last preceding collective statement of redemptions was executed. The collective statement of redemptions need not include any parcel which was the subject of an individual certificate of redemption, and shall not include any parcel which was partially, but not fully, redeemed. The collective statement of redemptions shall be dated, subscribed and affirmed by the enforcing officer and filed with the county clerk in the same manner as a list of delinquent taxes.

(b) Upon the filing of a collective statement of redemptions with the county clerk, the county clerk shall, for each parcel included on the collective statement of redemptions, enter on the list of delinquent taxes the word "redeemed" and the date of the filing opposite the description of such parcel on such list. Such notation shall operate to

cancel the notice of pendency with respect to each such parcel.

§ 1123. Petition of foreclosure. 1. Eighteen months after lien date, or as soon thereafter as is practicable, the enforcing officer shall execute a petition of foreclosure pertaining to those properties which remain subject to delinquent tax liens; provided, however, that in the case of property which is subject to a three or four year redemption period, such petition shall be executed thirty or forty-two months after lien date, respectively, or as soon thereafter as is practicable.

2. (a) The petition shall be filed with the clerk of the county in which the property is situated no later than two business days after the execution thereof and shall be in substantially the following form:

..... Court,..... County.

IN THE MATTER OF THE FORECLOSURE

OF TAX LIENS BY PROCEEDING IN

REM PURSUANT TO ARTICLE ELEVEN

OF THE REAL PROPERTY TAX LAW

BY.....

(insert name of tax district).

PETITION OF FORECLOSURE

The above-captioned proceeding is hereby commenced to enforce the payment of delinquent taxes or other lawful charges which have accumulated and become liens against certain property. The parcels to which this proceeding applies are as follows: (insert the descriptions and the names of the owners of record of each such parcel as of the date of the filing of the list of delinquent taxes).

(b) In addition to the information required by this section, the enforcing officer may incorporate into the petition of foreclosure the substance of the notice of foreclosure pursuant to section eleven

hundred twenty-four of this article. Where this option is exercised, the document may serve as both a petition of foreclosure and as a notice of foreclosure for purposes of this article.

3. In lieu of placing in the body of the petition the descriptions and names of the owners of the parcels to which the proceeding applies, the enforcing officer may place such information in an attachment to the petition, in which case the content of the petition shall be revised accordingly.

4. The petition shall be dated and subscribed by the enforcing officer and affirmed by him or her as true under the penalties of perjury.

5. A duplicate copy of such petition shall be retained in the office of the enforcing officer.

6. Every person, including a tax district other than the one foreclosing, having any right, title or interest in, or lien upon, any parcel described in such petition may redeem such parcel in the manner provided by title two of this article, or may interpose an answer in the manner provided herein.

7. An answer to a petition of foreclosure shall be duly verified by the respondent and shall set forth in detail the nature and amount of his or her interest and any defense or objections to the foreclosure of the tax lien. Such answer shall be filed in the office of the county clerk and served on the attorney for the tax district foreclosing on or before the last day for redemption, as specified in the notice of petition. Whenever an answer has been interposed as herein provided, either party shall have an absolute right to a severance of the proceeding as to the parcel or parcels to which the answer relates.

8. In the event of failure to redeem or answer by any person having the right to redeem or answer, such person shall be in default and shall be barred and forever foreclosed from all his or her right, title and interest in and to the parcels described in such petition and a judgment in foreclosure may be taken by default as provided by this title.

§ 1124. Public notice of foreclosure. 1. Upon the filing of a petition of foreclosure in the office of the county clerk, the enforcing officer forthwith shall cause a notice of foreclosure to be published in each of three non-consecutive weeks in a two month period in at least two newspapers designated by him or her.

2. (a) Each newspaper designated for this purpose shall have general circulation in the tax district. An official newspaper of the tax district shall be deemed to satisfy the requirements of this provision.

(b) In New York and Bronx counties the newspapers to be designated for the publication of such notice or any other public notice required pursuant to this article shall be the daily law journal designated by the justices of the appellate division of the first judicial department and another newspaper designated by such justices pursuant to the provisions of subdivisions one and two of section ninety-one of the judiciary law.

3. Such notice shall be in substantially the following form:

..... Court,..... County.

IN THE MATTER OF THE FORE-

CLOSURE OF TAX LIENS BY

PROCEEDING IN REM PURSUANT

TO ARTICLE ELEVEN OF THE

REAL PROPERTY TAX LAW

BY..... (insert name

of tax district).

NOTICE OF FORECLOSURE

PLEASE TAKE NOTICE that on the..... day of.....,

the..... (insert title of enforcing officer), hereinafter, the "Enforcing Officer", of..... (insert name of tax district), hereinafter, the "Tax District", pursuant to law filed with the clerk of..... county, a petition of foreclosure against various parcels of real property for unpaid taxes. Such petition pertains to the following parcels: (insert the description and the name of the owner or owners of record of each parcel as of the date of the filing of the list of delinquent taxes).

Effect of filing: All persons having or claiming to have an interest in the real property described in such petition are hereby notified that the filing of such petition constitutes the commencement by the Tax District of a proceeding in the court specified in the caption above to foreclose each of the tax liens therein described by a foreclosure proceeding in rem.

Nature of proceeding: Such proceeding is brought against the real property only and is to foreclose the tax liens described in such petition. No personal judgment will be entered herein for such taxes or other legal charges or any part thereof.

Persons affected: This notice is directed to all persons owning or having or claiming to have an interest in the real property described in such petition. Such persons are hereby notified further that a duplicate of such petition has been filed in the office of the Enforcing Officer of the Tax District and will remain open for public inspection up to and including the date specified below as the last day for redemption.

Right of redemption: Any person having or claiming to have an interest in any such real property and the legal right thereto may on or before said date redeem the same by paying the amount of all such unpaid tax liens thereon, including all interest and penalties and other legal charges which are included in the lien against such real property, computed to and including the date of redemption. Such payments shall be made to (here insert the name, title and address of the official to whom such payments are to be made). In the event that such taxes are paid by a person other than the record owner of such real

property, the person so paying shall be entitled to have the tax liens affected thereby satisfied of record.

Last day for redemption: The last day for redemption is hereby fixed as the day of (here insert a date at least six months after the date of the first publication of this notice).

Service of answer: Every person having any right, title or interest in or lien upon any parcel of real property described in such petition may serve a duly verified answer upon the attorney for the Tax District setting forth in detail the nature and amount of his or her interest and any defense or objection to the foreclosure. Such answer must be filed in the office of the county clerk and served upon the attorney for the Tax District on or before the date above mentioned as the last day for redemption.

Failure to redeem or answer: In the event of failure to redeem or answer by any person having the right to redeem or answer, such person shall be forever barred and foreclosed of all his or her right, title and interest and equity of redemption in and to the parcel described in such petition and a judgment in foreclosure may be taken by default.

Enforcing Officer:

.....

.....

(Name and title of
enforcing officer)

Attorney for Tax District:

.....

.....

.....

.....

(Name, title and address of attorney for tax district, if the same is not the enforcing officer)

4. The enforcing officer shall on or before the date of the first publication of the notice above set forth cause a copy of such notice to be posted once in his or her office and shall cause a copy of such

notice to be posted in the county court house in the place provided for the posting of public notices.

5. Nothing contained herein shall be construed to preclude the enforcing officer from providing for additional public notice of foreclosure by other means, including broadcast on the local access channel of a cable television company having a franchise within the tax district.

6. If the substance of such notice has been incorporated into the petition of foreclosure, the requirements of this section shall be satisfied if the petition of foreclosure is published and posted in the manner prescribed by this section.

§ 1125. Personal notice of commencement of foreclosure proceeding. 1.

(a) Parties entitled to notice. The enforcing officer shall on or before the date of the first publication of the notice above set forth cause a notice to be mailed to (i) each owner and any other person whose right, title, or interest was a matter of public record as of the date the list of delinquent taxes was filed, which right, title or interest will be affected by the termination of the redemption period, and whose name and address are reasonably ascertainable from the public record, including the records in the offices of the surrogate of the county, or from material submitted to the enforcing officer pursuant to paragraph (d) of this subdivision, (ii) any other person who has filed a declaration of interest pursuant to section eleven hundred twenty-six of this title which has not expired, and (iii) the enforcing officer of any other tax district having a right to enforce the payment of a tax imposed upon any of the parcels described upon such petition.

(b) Notification method. (i) Such notice shall be sent to each such party both by certified mail and ordinary first class mail, subject to the provisions of subparagraph (iv) of this paragraph. The notice shall be deemed received unless both the certified mailing and the ordinary first class mailing are returned by the United States postal service within forty-five days after being mailed. In that event, the enforcing officer or his or her agent shall attempt to obtain an alternative

mailing address from the United States postal service. When notice is required to be sent to the commissioner of taxation and finance, an alternative notice may be used by the enforcing officer, in accordance with instructions prescribed by the commissioner of taxation and finance.

(ii) If an alternative mailing address is found, the enforcing officer shall cause the notice to be mailed to such owner at such address both by certified mail and by ordinary first class mail. Notwithstanding any provision of law to the contrary, such owner may redeem the parcel in question or serve a duly verified answer to the petition of foreclosure until either the thirtieth day after such mailing, or the date specified by the notice of foreclosure as the last day for redemption, whichever is later.

(iii) If no alternative mailing address can be found, then in the case of an owner, the enforcing officer shall cause a copy of such notice to be posted as provided herein on the property to which the delinquent tax lien relates; in the case of a non-owner, the enforcing officer shall cause a copy of such notice to be posted in his or her office and in the office of the clerk of the court in which the petition of foreclosure has been filed. Notwithstanding any provision of law to the contrary, the party to whom such notice is directed may redeem the parcel in question or serve a duly verified answer to the petition of foreclosure until either the thirtieth day after such posting or delivery, or the date specified by the notice of foreclosure as the last day for redemption, whichever is later.

(iv) Where an owner is listed as "unknown" on the tax roll and the name of such owner cannot be found in the public record, the notice shall be mailed to the property address by ordinary first class mail addressed to "occupant" and a copy thereof shall be posted on the property to which the tax lien relates.

(c) Posting of notice. When a notice is required to be posted on the property to which the delinquent tax lien relates pursuant to this section, the posting shall be deemed sufficient if it is either (i) affixed to a door of a residential or commercial structure on the premises, or (ii) attached to a vertical object, such as a tree, post or stake, and plainly visible from the road. Provided, that if, when visiting the premises for this purpose, the enforcing officer or his or

her agent should find thereon an occupant of suitable age and discretion, he or she may deliver such notice to such occupant in addition to or in lieu of posting it. The process of so posting or delivering such notice shall warrant the imposition of an extra charge of one hundred dollars against the parcel, in addition to any other charges authorized by section eleven hundred twenty-four of this title and without regard to any limitations set forth therein.

(d) Changes of address. It shall be the responsibility of any party entitled to notice pursuant to this section to notify the enforcing officer when his, her or its address changes. Such notification need not be in any particular form as long as it is in writing, affirmatively states that such party's address has changed or uses language to that effect, and sets forth the new address. It shall not suffice to submit to the enforcing officer an item that merely displays the new address, such as a check upon which the new address has been imprinted, or a letter or envelope which uses the new address as the return address, unless such submission includes language clearly indicating that such address is that party's new address. In the event that a foreclosure proceeding is challenged on grounds of lack of notice, and the party raising this issue failed to provide a current address to the enforcing officer pursuant to this paragraph, the court having jurisdiction may take such failure into account when evaluating whether reasonable notice was given.

(e) Public record. For purposes of this section, the public record shall be deemed to consist of the books maintained by the recording officer of the county in which the property is located pursuant to section three hundred fifteen of the real property law, the books kept by the clerk of the surrogate's court of the county in which the property is located pursuant to section twenty-five hundred two of the surrogate's court procedure act, the tax rolls in the possession of the enforcing officer dated from the applicable lien date forward.

2. The notice to be so mailed shall consist of (a) a copy of the petition and, if not substantially the same as the petition, the public notice of foreclosure, provided that such copies need not include the descriptions or the names of the owners of any parcels in which the addressee does not have an interest, and (b) a statement substantially

as follows:

To the party to whom the enclosed notice is addressed:

You are presumed to own or have a legal interest in one or more of the parcels of real property described on the enclosed petition of foreclosure.

A proceeding to foreclose on such property based upon the failure to pay real property taxes has been commenced. Foreclosure will result in the loss of ownership of such property and all rights in that property.

To avoid loss of ownership or of any other rights in the property, all unpaid taxes and other legal charges must be paid prior to.....
(insert the last date to redeem) or you must interpose a duly verified answer in the proceeding. You may make payment to.....
(insert name, title and address of the official to whom such payments are to be made) in the amount of all such unpaid taxes and legal charges prior to that date. You may wish to contact an attorney to protect your rights.

After..... (insert the last date to redeem), a court will transfer the title of the property to the..... (Name of the tax district) by means of a court judgment.

Should you have any questions regarding this notice, please call..... (insert the name of the enforcing officer)
at..... (insert telephone number).
Dated,..... (Insert date).

2-a. In the case of residential property as defined by section eleven hundred eleven of this article, such notice shall also either include or be accompanied by the homeowner warning notice described by section eleven hundred forty-four of this article.

3. (a) An affidavit of mailing of such notice shall be executed.

(b) The failure of an intended recipient to receive any such notice

shall not invalidate any tax or prevent the enforcement of the same as provided by law.

(c) The service of the notice required by this section shall be deemed to be equivalent to the service of a notice of petition pursuant to section four hundred three of the civil practice law and rules.

4. (a) Nothing contained herein shall be construed to preclude the enforcing officer from issuing, at his or her discretion, a duplicate of any such notice, clearly labeled as such, through means other than ordinary first class mail, including but not limited to personal service, registered or certified mail, facsimile transmission, or electronic mail.

(b) Nothing contained herein shall be construed to preclude the enforcing officer from issuing, at his or her discretion, one or more informal notices to an owner or other party prior to issuing the notice required by this section.

(c) The failure of the enforcing officer to mail any such discretionary notice, or the failure of an intended recipient to receive such a notice, shall not invalidate any tax or prevent the enforcement of the same as provided by law.

5. Any notice mailed by ordinary first class mail pursuant to subdivision one of this section may also be mailed in duplicate by certified mail at the option of the enforcing officer.

§ 1126. Declaration of interest. 1. Any mortgagee, lienor, lessee or other person having a legally protected interest in real property who wishes to receive copies of the notices required by this article may file with the enforcing officer a declaration of interest on a form prescribed by the commissioner. Such declaration shall include the name and mailing address of the person submitting such declaration, a description of the parcel or parcels in which such person claims an interest, and a description of the nature of such interest. A declaration of interest shall be effective upon filing and shall expire on the last day of the tenth calendar year commencing thereafter, unless extended or cancelled as provided herein.

2. The declarant, or his or her successor in interest, may obtain an extension or reinstatement of a declaration of interest one or more times on a form prescribed by the commissioner. Such extension shall expire on the last day of the tenth calendar year commencing after the filing thereof.

3. The declarant, or his or her successor in interest, shall amend or cancel a declaration of interest, on a form prescribed by the commissioner, upon the transfer or termination of such interest, or upon a change of address of the declarant or his or her successor in interest.

§ 1128. Filing of affidavits. 1. All affidavits of filing, publication, posting, mailing or other acts required by this article shall be made by the person or persons performing such acts and shall be filed with the application for judgment. Such affidavits shall together with all other documents required by this article to be filed in the office of such county clerk, constitute and become a part of the judgment roll in such foreclosure proceeding.

2. An affidavit of publication required by this article shall be made in the manner an affidavit of publication of notice of sale is made pursuant to article fourteen of the real property actions and proceedings law.

§ 1130. Trial of issues. 1. If a duly verified answer is filed with the county clerk and served upon the attorney for such tax district within the period mentioned in the notice published pursuant to section eleven hundred twenty-four of this title, the court shall summarily hear and determine the issues raised by the petition and answer in the same manner and under the same rules as it hears and determines other proceedings or actions, except as otherwise provided in this article. Upon such trial, proof that the tax was paid, together with all interest, penalties and other charges which may have been due, or that

the property was not subject to tax shall constitute a complete defense.

2. If it appears to the court that testimony is necessary for the proper disposition of the matter, it shall take evidence or appoint a referee to take such evidence as it may direct. The referee shall report to the court his or her findings of fact and conclusions of law and the evidence upon which it is based, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The report of the referee and the decision or final order of the court shall contain the essential facts upon which the ultimate finding of facts is made.

§ 1131. Default judgment. In the event of a failure to redeem or answer by any person having the right to redeem or answer, such person shall forever be barred and foreclosed of all right, title, and interest and equity of redemption in and to the parcel in which the person has an interest and a judgment in foreclosure may be taken by default as provided by subdivision three of section eleven hundred thirty-six of this title. A motion to reopen any such default may not be brought later than one month after entry of the judgment.

§ 1132. Preference over other proceedings and actions. Any proceeding brought pursuant to this article shall be given preference over all other proceedings and actions.

§ 1134. Presumption of validity. It shall not be necessary for the tax district to plead or prove the various steps, procedures and notices for the assessment and levy of the taxes or other lawful charges against the parcels of real property set forth in the petition and all such taxes or other lawful charges and the lien thereof shall be presumed to be valid. A respondent alleging any jurisdictional defect or invalidity in the tax, or in the proceeding for the enforcement thereof, must particularly specify in his or her answer such jurisdictional defect or invalidity and must affirmatively establish such defense. The provisions of this

article shall apply to and be valid and effective with respect to all respondents even though one or more of them be infants, incompetents, absentees or non-residents of the state.

§ 1135. Application for surplus. In lieu of filing an answer to the foreclosure proceeding, any person claiming surplus arising from a tax district's enforcement of delinquent property taxes shall have the right to file with the clerk in whose office the report of sale is filed at any time before the confirmation of the report of sale, a written notice of such claim, stating the nature and extent of their claim and the address of the claimant or the claimant's attorney.

§ 1136. Final judgment. 1. Generally. The court shall have full power to determine and enforce in all respects the priorities, rights, claims and demands of the several parties to the proceeding, as the same exist according to law, including the priorities, rights, claims and demands of the respondents as between themselves. The court shall further determine upon proof and shall make findings upon such proof whether there has been due compliance by the tax district with the provisions of this article.

2. When an answer has been interposed. (a) When an answer has been interposed by a party other than a tax district as to any parcel of real property included in the petition described in section eleven hundred twenty-three of this chapter and the court determines that the answer is meritorious, the court shall dismiss the petition of foreclosure, with or without prejudice, as to the affected parcel or parcels, unless an agreement is executed pursuant to subdivision two of section eleven hundred fifty of this article. If the court determines that the answer is not meritorious, the court shall make a final judgment awarding to such tax district the possession of the affected parcel or parcels in the same manner as provided by subdivision three of this section.

(b) When an answer has been interposed by another tax district as to any parcel and the court shall determine that such other tax district has an interest in such parcel, then and in that event the tax districts

having an interest in such parcel may by agreement between themselves pursuant to subdivision one of section eleven hundred fifty of this article provide (i) for a conveyance without sale of any such parcel to one of such tax districts free and clear of any right, title or interest in or lien upon such parcel or such other tax district or districts or (ii) for a conveyance without sale of any such parcel to one of such tax districts subject to any right, title or interest in or lien upon such parcel of such other tax district or districts. In either of such events, the court shall in its judgment expressly dispense with the sale and direct the making and execution of a conveyance by the enforcing officer in accordance with such agreement. In the absence of such an agreement, the court shall make a final judgment directing the sale of such parcel.

(c) Any sale directed by the court pursuant to this subdivision shall be at public auction by the enforcing officer. Public notice thereof shall be given once a week for at least three successive weeks in a newspaper published in the tax district, if any, or if none, in a newspaper published in the county in which such tax district is situated. The enforcing officer shall receive no additional fee or compensation for such service. The description of the parcel offered for sale in such notice shall be that contained in the petition with such other description, if any, as the court may direct.

(d) In directing any conveyance pursuant to this subdivision, the judgment shall direct the enforcing officer of the tax district to prepare and execute a deed conveying title to the parcel or parcels of real property concerned. Such title shall be full and complete in the absence of an agreement between tax districts as herein provided that it shall be subject to the tax liens of one or more tax districts. Upon the execution of such deed, the grantee shall be seized of an estate in fee simple absolute in such parcel unless the conveyance is expressly made subject to tax liens of a tax district as herein provided, and all persons, including the state, infants, incompetents, absentees and non-residents, who may have had any right, title, interest, claim, lien or equity of redemption in or upon such parcel, shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption. Nothing contained herein shall be construed to preclude any such person from filing a claim pursuant to section eleven

hundred thirty-five or title six of this article for a share of any surplus that may be attributable to the sale of such parcel.

3. When no answer has been interposed. (a) The court shall make a final judgment awarding to such tax district the possession of any parcel of real property described in the petition of foreclosure not redeemed as provided in this title and as to which no answer is interposed as provided herein. In addition thereto such judgment shall contain a direction to the enforcing officer of the tax district to prepare, execute and cause to be recorded a deed conveying to such tax district full and complete title to such parcel.

(b) Alternatively, at the request of the enforcing officer, the court may make a final judgment authorizing the enforcing officer to prepare, execute and cause to be recorded a deed conveying full and complete title to such parcel directly to a party other than the tax district, without the tax district taking title thereto.

(c) Upon the execution of such deed, the tax district, or the grantee as the case may be, shall be seized of an estate in fee simple absolute in such parcel and all persons, including the state, infants, incompetents, absentees and non-residents who may have had any right, title, interest, claim, lien or equity of redemption in or upon such parcel shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption. Nothing contained herein shall be construed to preclude any such person from filing a claim pursuant to section eleven hundred thirty-five or title six of this article for a share of any surplus that may be attributable to the sale of such parcel.

4. (a) Notwithstanding any other provision of law to the contrary, when a parcel is subject to a judgment of foreclosure issued pursuant to this section but has not yet been conveyed to a third party, the tax district may, at its discretion, convey title to the parcel back to the former owner or owners, or to the successor or successors in interest if any, upon payment of the taxes, penalties, interest and other lawful charges owed to the tax district, subject to the provisions of paragraph (b) of this subdivision.

(b) If immediately prior to the issuance of the judgment of

foreclosure, any other person had any right, title, interest, claim, lien or equity of redemption in or upon such parcel, the deed conveying the parcel back to the former owner or owners, or to their successor or successors in interest, shall state that the conveyance shall become subject to the right, title, interest, claim, lien or equity of redemption of any other person that had been extinguished by the judgment of foreclosure, once such right, title, interest, claim, lien or equity of redemption has been reinstated nunc pro tunc pursuant to the provisions of this paragraph. Upon the execution of such deed, the tax district shall cause a copy thereof to be filed with the court, which shall direct the reinstatement of any such right, title, interest, claim, lien or equity of redemption in such parcel nunc pro tunc.

§ 1137. Statute of limitations. Every deed given pursuant to the provisions of this article shall be presumptive evidence that the proceeding and all proceedings therein and all proceedings prior thereto from and including the assessment of the real property affected and all notices required by law were regular and in accordance with all provisions of law relating thereto. After two years from the date of the recording of such deed, the presumption shall be conclusive. No proceeding to set aside such deed may be maintained unless the proceeding is commenced and a notice of pendency of the proceeding is filed in the office of the proper county clerk prior to the time that the presumption becomes conclusive.

§ 1138. Withdrawal of parcels from foreclosure. 1. Grounds. The enforcing officer of any tax district may at any time prior to final judgment withdraw any parcel of real property from a foreclosure proceeding under this title for one or more of the following reasons:

- (a) there is reason to believe that there may be a legal impediment to the enforcement of the tax lien affecting such parcel;
- (b) the tax has been cancelled or is subject to cancellation pursuant to section five hundred fifty-eight of this chapter, or, in the case of a tax district to which such section does not apply, the tax would be subject to cancellation if such section were applicable to the tax

district;

(c) the enforcement of the lien has been stayed by the filing of a petition pursuant to the Bankruptcy Code of 1978 (Title Eleven of the United States Code);

(d) if the tax district were to acquire the parcel, there is a significant risk that it might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien;

(e) the owner of the parcel has entered into an agreement to pay the taxes in installments pursuant to section eleven hundred eighty-four of this article, and has not defaulted thereon;

(f) in a tax district which has extended the redemption period for residential or farm property, (i) the parcel has been included on a petition for foreclosure, (ii) it has since been demonstrated to the satisfaction of the enforcing officer that the parcel is residential or farm property, and (iii) being residential or farm property, the parcel is not yet subject to inclusion on such a petition;

(g) in a tax district which has extended the redemption period for residential property for certain persons deployed by the military (i) the parcel has been included on a petition for foreclosure, (ii) has been demonstrated to the satisfaction of the enforcing officer that the parcel is residential, (iii) the property is eligible for the extended redemption period pursuant to section eleven hundred thirteen of this article, and as such is not yet subject to inclusion of such a petition; or

(h) the tax lien has been or is to be sold pursuant to title five of this article.

2. Procedure. (a) Upon the withdrawal from foreclosure of any parcel of real property, the enforcing officer shall issue a certificate of withdrawal, setting forth the facts which render the parcel eligible for withdrawal from foreclosure. The certificate shall be filed with the clerk of the governing body of the tax district.

(b) If the parcel has been included on a list of delinquent taxes that has been filed pursuant to section eleven hundred twenty-two of this title, the enforcing officer shall file a copy of the certificate of withdrawal with the county clerk within ten business days from the

issuance of the certificate. The county clerk shall note the word "withdrawn" and the date of such filing opposite the description of such parcel on the list.

3. Effect. The filing of such a certificate shall have the effect of withdrawing the affected parcel from foreclosure; provided, that (a) the filing shall have no effect upon the tax lien or liens against the affected parcel, nor, if the parcel has been included on a list of delinquent taxes that has been filed pursuant to section eleven hundred twenty-two of this article, upon the notice of pendency with respect to any such parcel, unless the lien should be cancelled pursuant to subdivision six of this section or such other law as may be applicable; and (b) if the lien is not cancelled, the foreclosure proceeding may be reinstated in the manner provided in subdivision four of this section, or a supplementary proceeding to enforce collection of the delinquent tax may be commenced in the manner provided in subdivision five of this section.

4. Reinstatement. (a) The enforcing officer shall reinstate a withdrawn foreclosure proceeding if (i) he or she determines that the parcel is no longer eligible for withdrawal from foreclosure, or (ii) the governing body of the tax district adopts a resolution directing the enforcing officer to reinstate such proceeding.

(b) The enforcing officer shall issue a certificate of reinstatement setting forth the reasons for the reinstatement of the proceeding.

(c) If the parcel has been marked "withdrawn" on a list of delinquent taxes that has been filed pursuant to section eleven hundred twenty-two of this title, the enforcing officer shall file a copy of the certificate with the county clerk within ten business days from the issuance of the certificate. The county clerk shall note the word "reinstated" and the date of the filing of the certificate of reinstatement opposite the description of such parcel on the list.

(d) The enforcing officer shall file a petition of foreclosure pertaining to the affected parcel as soon thereafter as is practicable. In no event, however, shall such petition be filed sooner than twenty-one months after lien date, or, in the case of property which is subject to a three or four year redemption period, sooner than

thirty-three or forty-five months after lien date, respectively.

5. Supplementary proceedings. After a foreclosure proceeding has been withdrawn, the enforcing officer shall commence a supplementary proceeding to collect the delinquent taxes in the manner provided by section nine hundred ninety of this chapter if (a) he or she determines that doing so would be an effective means to enforce collection of the delinquent tax, or (b) the governing body of the tax district adopts a resolution directing the enforcing officer to commence such a proceeding. Such a proceeding may be commenced within one year from the issuance of a certificate of withdrawal, notwithstanding the fact that the enforcing officer may have previously proceeded pursuant to the provisions of this article.

6. Cancellation. (a) After a foreclosure proceeding has been withdrawn, the governing body of the tax district may cancel the delinquent tax lien if it determines that there is no practical method to enforce the collection of the delinquent tax lien and that a supplementary proceeding to enforce collection of the tax would not be effective. A copy of the resolution directing the cancellation of the lien shall be filed with the enforcing officer.

(b) If the parcel has been included on a list of delinquent taxes that has been filed with the county clerk, the enforcing officer shall issue a certificate of cancellation, setting forth the relevant facts, and file a copy of the same with the county clerk within ten business days from the issuance of the certificate. The county clerk shall note the word "cancelled" and the date of the filing of the certificate of cancellation opposite the description of such parcel on the list. The filing of such a certificate of cancellation shall operate to cancel the notice of pendency with respect to the parcel.

(c) A tax district shall not be required to credit or otherwise guarantee to any municipal corporation the amount of any delinquent tax lien which has been cancelled in the manner provided by this section. If such a credit or guarantee shall have been given before the cancellation of the lien, the tax district shall be entitled to charge back to the municipal corporation the amount so credited or guaranteed.

(d) If the governing body should determine that there is no practical

method to enforce the collection of delinquent tax liens arising thereafter against the parcel, it may direct the enforcing officer to issue a certificate of prospective cancellation, setting forth the relevant facts. The enforcing officer shall file a copy of the certificate with the assessor of the assessing unit in which the parcel is located and with the county director of real property tax services. The parcel shall thereby become exempt from taxation notwithstanding any other provision of law. The parcel shall remain exempt until the governing body determines that the parcel should be restored to the taxable portion of the assessment roll, and the enforcing officer files a certificate of restoration, setting forth the relevant facts, with the assessor and county director of real property tax services.

§ 1140. Parcels affected by bankruptcy proceedings. 1. Stay of enforcement proceeding. The commencement of a bankruptcy proceeding pursuant to the bankruptcy code of 1978 (title eleven of the United States code) shall stay a proceeding to enforce a delinquent tax lien, to the extent required by the bankruptcy code.

2. Notice to enforcing officer. Whenever an officer or employee of a municipal corporation receives an official notification of the commencement of a bankruptcy proceeding affecting real property therein, such officer or employee shall forthwith forward the same, or a copy thereof, to the enforcing officer of the tax district which enforces taxes on behalf of such municipal corporation.

3. Partial payments. Notwithstanding any law otherwise precluding the acceptance of partial payments of taxes, a partial payment may be accepted in relation to property which is the subject of a bankruptcy proceeding, provided that the payment is accompanied by satisfactory proof of the bankruptcy proceeding, such as a copy of an order or plan issued thereunder.

4. Cancellation and chargebacks. A tax district shall direct the cancellation of a delinquent tax lien to the extent such lien has been rendered permanently unenforceable as the result of a bankruptcy

proceeding. The tax district shall not be required to credit or otherwise guarantee to any municipal corporation a delinquent tax against a parcel to the extent the lien thereon has been cancelled pursuant to this section. If such a credit or guarantee shall have been given before the cancellation of the lien, the tax district shall be entitled to charge back to each municipal corporation a proportionate share of the cancelled lien.

TITLE 3-A

HOMEOWNER BILL OF RIGHTS AND RELATED PROVISIONS

Section 1142. Homeowner bill of rights.

1144. Homeowner warning notices.

1146. Repayment plans.

1148. Assistance to vulnerable populations.

§ 1142. Homeowner bill of rights. Any owner of a residential property, as defined in section eleven hundred eleven of this article, who occupies such property as their primary residence, shall have the following rights:

1. Notwithstanding any other general, special, or local law, local tax act, code, rule, regulation, or charter provision to the contrary, to not have exemptions removed or waived for nonpayment of property taxes, except to the extent otherwise provided in section one hundred seventy-one-w of the tax law and any other general law that explicitly authorizes the removal of an exemption due to the nonpayment of taxes;

2. To be informed of the amount of tax due, the number of tax years for which the parcel has been in arrears, the date on which the redemption period ends, the accepted forms of payment, the location where payments shall be made, and the contact information for the responsible taxing authority, provided that a claim by an owner that they were not so informed shall not constitute a valid defense to a foreclosure proceeding;

3. To receive homeowner warning notices pursuant to section eleven hundred forty-four of this title;

4. In the event that their primary residence is foreclosed upon, to receive a share of any surplus resulting from the sale of the property in the manner provided by law;

5. To be charged interest at a rate no higher than the maximum allowable statutory interest rate for unpaid property taxes;

6. To enter into installment plans or repayment plans for purposes of paying delinquent taxes where locally authorized;

7. For owners who are senior citizens who are receiving a senior citizens exemption, an enhanced STAR exemption or an enhanced STAR credit, to receive a grace period of five business days to pay their taxes without interest in a local government that has opted to grant such an extension to such persons;

8. In the event that their primary residence is foreclosed upon, to have all debts related to delinquent taxes owed on such primary residence extinguished upon the foreclosure, except when they have reacquired title pursuant to subdivision four of section eleven hundred thirty-six of this article; provided, however, that nothing contained herein shall be construed to preclude a tax district from bringing an action against a former owner to recover reasonable costs incurred in acting pursuant to law to remove, abate or mitigate unsafe conditions and/or nuisances that were present on the property at the time of foreclosure, including but not limited to the demolition of unsafe structures and the elimination of fire and health hazards where warranted.

§ 1144. Homeowner warning notices. 1. (a) In the case of residential property as defined by section eleven hundred eleven of this article, when personal notice of the commencement of a foreclosure proceeding is mailed pursuant to section eleven hundred twenty-five of this article,

such notice shall include or be accompanied by the homeowner warning notice described by paragraph (b) of this subdivision. Provided, however, that in a tax district that does not enforce delinquent taxes pursuant to this article, such homeowner warning notice shall be sent when the foreclosure proceeding is commenced.

(b) Such notice shall be in substantially the following form:

"YOU MAY BE AT RISK OF FORECLOSURE ON A PROPERTY TAX LIEN. PLEASE READ THE FOLLOWING NOTICE CAREFULLY.

As of (enter date), your property taxes have not been paid for the following years and amounts each year: (enter years and amounts)

The total needed to pay off all tax arrears as of the date of this notice is: (enter amount due)

Under New York State law, we are required to send you this notice to inform you that you are at risk of losing your home.

Attached to this notice is a list of government approved housing counseling agencies in your area which provide free counseling. You can also call the NYS Office of the Attorney General's Homeowner Protection Program (HOPP) toll-free consumer hotline to be connected to free housing counseling or legal services in your area at 1-855-HOME-456 (1-855-466-3456), or visit their website. A statewide listing by county is also available at the website of the New York State Department of Financial Services. Qualified free help is available; watch out for companies or people who charge a fee for these services.

Housing counselors from New York-based agencies listed on the website above are trained to help homeowners who are having problems making their tax payments and can help you find the best option for your situation.

If you wish, you may also contact our office directly to discuss possible payment plans and other options.

While we cannot assure that a mutually agreeable resolution is

possible, we encourage you to take immediate steps to try to achieve a resolution.

The longer you wait, the fewer options you may have.

If you have not taken any actions to resolve this matter within ninety days from the date this notice was mailed, we may commence legal action or other remedies against you to foreclose the tax lien, which may eventually result in eviction from your home.

Under New York State law, you may be barred from entering into a payment plan or from being permitted to make any payment to save your home after the "Redemption Date". In your case, the "Redemption Date" is tentatively set as (enter date).

IMPORTANT: You have the right to remain in your home until you receive a court order telling you to leave the property; however, you may lose the right to continue ownership of your home after the Redemption Date. If a foreclosure action is filed against you in court, you still have the right to remain in the home until a court orders you to leave.

This notice is not an eviction notice, and a foreclosure action has not yet been commenced against you.

You should also be aware that if you are a senior citizen, a person with a physical disability and/or a veteran, you may be entitled to a partial exemption from property taxes. If you are not already receiving one or more of these exemptions and would like information about the eligibility and application requirements, please contact your local assessor's office."

(c) In a tax district that does not pursue foreclosure when property is owned by a person receiving one of more of the exemptions listed in such notice, a sentence reading substantially as follows shall be added: "If you are currently receiving one or more of these exemptions, please contact us immediately so that we may suspend the foreclosure."

2. A failure of the owner to receive such notice shall not prevent the

collection and enforcement of the payment of the taxes on property owned by such person.

3. Such notice may be accompanied by a list of housing counseling agencies that serve the county in which the property is located, including the last known addresses and telephone numbers of such agencies. The department of financial services shall make available on its website a listing, by county, of such agencies. The enforcing officer shall use such lists to meet the requirements of this section.

4. Such notice shall also include or be accompanied by a statement, set forth in each of the twelve most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most recent American Community Survey published by United States Census Bureau, advising them that a translated version of this notice, or a detailed summary thereof, may be found on the website of the New York state office of general services. This requirement may be satisfied by posting a statement in each such language that is substantially equivalent to the following: "YOU MAY BE AT RISK OF FORECLOSURE ON A PROPERTY TAX LIEN. To see this notice in (insert the name of the applicable language), go to (insert the applicable URL address)."

§ 1146. Repayment plans. 1. The governing body of a tax district is hereby authorized and empowered to enact and amend a local law providing that in the case of primary residences with a tax delinquency greater than five hundred dollars but less than thirty thousand dollars or such other limit as may be provided by such local law, the property owner shall be permitted to enter into a repayment plan to cure a tax delinquency at any time until the date of redemption.

2. The term of the repayment plan shall be twelve, eighteen, twenty-four, or thirty-six months, at the option of the owner. The amount due under the agreement shall be paid, as nearly as possible, in equal amounts on each payment due date. The amount of each such payment shall be determined by dividing the amount due by the number of required

installment payments.

3. The owner shall be deemed to be in default of a payment plan agreement pursuant to this section upon the occurrence of any of the following events:

(a) Any payment due under the repayment plan is not made within forty-five days from the payment due date;

(b) Any tax levied after the owner entered into the repayment plan is not paid by the payment due date;

(c) The subject property is sold; or

(d) The total principal amount in arrears exceeds thirty thousand dollars or such higher amount as may have been set by local law, ordinance or resolution.

4. In the event of a default in payments, and after service of a twenty-day notice of default, the tax district shall have the right to require the entire unpaid balance, with interest, to be paid in full.

§ 1148. Assistance to vulnerable populations. 1. Every notice of unpaid taxes, notice of arrears included in tax statements, personal notice of commencement of foreclosure proceeding or tax lien sale must include information about a housing counseling agency or agencies funded by the New York state office of the attorney general's homeowner protection program in the region in which the property is located.

2. Upon receiving a return of unpaid taxes pursuant to section nine hundred thirty-six of this chapter or a comparable provision of law, the enforcing officer shall send a list of the names, addresses and telephone numbers, if available, of the residential property owners included on such return to a housing counseling agency or agencies funded by the New York state office of the attorney general's homeowner protection program in the region where the property is located, so that such agency may make the homeowner aware of free foreclosure prevention services and options available to the parties.

TITLE 4

GENERAL PROVISIONS

Section 1150. Agreements by tax districts.

1152. Power of tax district to protect liens.

1154. Mailing statements of taxes.

1156. Publication of notices; distress and sale.

1160. Enforcement of tax liens.

1162. Writ of assistance.

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1176. Review of list of delinquent taxes by commissioner;
parcels in which state has an interest.

1178. Certain lands in forest preserve to be offered for sale to
state.

1180. Despoliation of lands subject to delinquent tax liens.

1182. Cancellation or reduction of interest, penalties and other
charges.

1184. Payment of delinquent taxes in installments.

§ 1150. Agreements by tax districts. 1. Agreements with other tax districts. All tax districts are hereby authorized to make agreements with one another with respect to any parcel of real property upon which they respectively own tax liens in regard to the disposition of such liens, of the parcel of real property subject thereto and of the avails thereof, including, without limiting the generality of the foregoing, authority to make the agreements referred to in paragraph (b) of subdivision two of section eleven hundred thirty-six of this article, and to make agreements for the disposition of the proceeds of real property upon which tax liens have been extinguished by agreement.

2. Agreements with parties other than tax districts. When a person other than a tax district has any right, title, interest, claim, lien or

equity of redemption in any parcel which is the subject of a tax lien, the tax district owning the tax lien may agree with such person that, in lieu of a sale of the property pursuant to paragraph (a) of subdivision two of section eleven hundred thirty-six of this article, the rights of such person shall be released in exchange for a fixed sum or for a share of the proceeds to be obtained upon the sale of such parcel by such tax district.

§ 1152. Power of tax district to protect liens. 1. When authorized by resolution of the governing body, any enforcing officer may on behalf of a tax district having a tax lien on any parcel of real property, lawfully protect such liens by entering into an agreement pursuant to section eleven hundred fifty of this title with another tax district holding liens on such property, or by bidding for and purchasing such parcel at any judicial sale of such parcel held pursuant to this article. Any tax district so bidding at a judicial sale shall not be required to make any deposit, but shall within ten calendar days after such sale, pay the amount due another tax district or other holder of tax lien on such parcel.

2. For the purpose of providing the funds so required, any tax district, by resolution adopted by its governing body, may specifically appropriate any funds generally provided for the purpose in its budget of that fiscal year or may appropriate any funds not otherwise appropriated or may finance such expenditure pursuant to the local finance law.

§ 1154. Mailing statements of taxes. 1. It shall be the duty of the collecting officer upon receipt of the tax roll and warrant to prepare, complete, mail or otherwise deliver statements of taxes in the manner provided by section nine hundred twenty-two of this chapter to the owners of real property assessed so far as such owners and their addresses are known.

2. The failure of the collecting officer to mail such statements shall

not invalidate or otherwise affect such tax nor prevent the accruing of any interest or penalty imposed for the non-payment thereof, nor prevent or stay proceedings under this article for any of the remedies for collection thereof, nor affect the title acquired pursuant to such proceedings.

§ 1156. Publication of notices; distress and sale. 1. Before proceeding to enforce the collection of tax liens pursuant to this article, the enforcing officer shall publish such notices as the general, special or local laws relating to his or her tax district requires.

2. Proceedings to enforce collection by distress and sale of personal property or other means of compulsory collection shall not be a condition precedent to the remedies provided in this article.

§ 1160. Enforcement of tax liens. 1. It shall be the duty of the enforcing officer to enforce annually all tax liens, in accordance with the applicable provisions of law, except as otherwise provided herein. The failure of the enforcing officer to enforce such tax lien shall not impair the lien or prevent a sale or stay any other proceedings for its enforcement after the time specified.

2. All provisions with respect to the procedure for the enforcement of tax liens requiring acts to be done at or within or before specified times or dates, except provisions with respect to length of notice, shall be deemed directory and failure to take such action at or within the time specified shall not invalidate or otherwise affect such tax lien nor prevent the accruing of any interest or penalty imposed for the non-payment thereof, nor prevent or stay proceedings under this article for any of the remedies for collection thereof in this article provided, nor affect the title of the purchaser under such proceedings.

§ 1162. Writ of assistance. Any party or tax district acquiring title

to a parcel of real property under and pursuant to the terms and provisions of this article shall be entitled to a writ of assistance, with the same force and effect as if such party or tax district had acquired the property by virtue of a mortgage foreclosure.

§ 1164. Consolidation of actions or proceedings. Actions or proceedings pending in the courts, or otherwise, to cancel a lien which is being foreclosed by a proceeding under this article, shall be terminated upon the institution of a foreclosure proceeding pursuant to this article, and the rights and remedies of the parties in interest to such pending actions or proceedings shall be determined by the court in such foreclosure proceeding.

§ 1166. Real property acquired by tax district; right of sale. 1. Whenever any tax district shall become vested with the title to real property, and whenever an enforcing officer shall have been authorized to sell and convey real property directly to another party, by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district or enforcing officer is hereby authorized to sell and convey such real property, which shall include any and all gas, oil or mineral rights associated with such real property, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.

2. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder.

3. The provisions of title six of this article shall govern the distribution of any surplus attributable to such sales.

§ 1168. Certificate of sale as evidence. 1. The certificate of sale or any other written instrument representing a tax lien shall be

presumptive evidence in all courts in all proceedings by and against the purchaser and his or her representatives, heirs and assigns, of the truth of the statements therein, of the title of the purchaser to the property therein described, and of the regularity and validity of all proceedings had in reference to the taxes or other legal charges for the non-payment of which the tax lien was sold and the sale thereof.

2. After two years from the issuance of such certificate or other written instrument, no evidence shall be admissible in any court to rebut such presumption unless the holder thereof shall have procured such certificate of sale or such other written instrument by fraud or had previous knowledge that it was fraudulently made or procured.

§ 1170. Deed in lieu of foreclosure. Any tax district may, when authorized by resolution of its governing body and in lieu of prosecuting a proceeding to foreclose a tax lien on any parcel of real property pursuant to this article, accept a conveyance of the interest of any person having any right, title, interest, claim, lien or equity of redemption in or to such parcel.

§ 1172. Severability of provisions. The powers granted and the duties imposed by this article and the applicability thereof to any persons, tax districts or circumstances shall be construed to be independent and severable and if any one or more sections, clauses, sentences or parts of this article, or the applicability thereof to any persons, tax districts or circumstances shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof or the applicability thereof to other persons, tax districts or circumstances, but shall be confined in its operation to the specific provisions so held unconstitutional and invalid and to the persons, tax districts and circumstances affected thereby.

§ 1174. Title of the state not affected. Notwithstanding any other

provision of this article or of section thirteen hundred thirteen of the real property actions and proceedings law, real property of the state shall not be sold in any proceeding for the foreclosure of a tax lien pursuant to this article, nor shall any judgment in any such proceeding or any conveyance made pursuant to any such judgment be valid or effectual to bar or foreclose the state with respect to, or to divest the state of, any estate held by the state in or to any real property involved in any such proceeding.

§ 1176. Review of list of delinquent taxes by commissioner; parcels in which state has an interest. 1. Each list of delinquent taxes filed pursuant to section eleven hundred twenty-two of this article shall be submitted to the commissioner for identification of state lands.

2. Upon reviewing the list, the commissioner shall in so far as possible notify the enforcing officer of any parcel listed thereon which belongs to the state. The enforcing officer shall withdraw such parcels from foreclosure in the manner provided by section eleven hundred thirty-eight of this article and shall furnish the commissioner with a verified and itemized statement showing the amount of taxes due against each such parcel, the purposes for which levied, the date of the levy, the assessment upon which levied and the year in which such assessment was made. Subject to the provisions of title two of article five of this chapter, the taxes upon such parcels, without interest or penalties, shall be audited and paid by the comptroller out of any funds available for the payment of taxes on state lands.

§ 1178. Certain lands in forest preserve to be offered for sale to state. Within twenty days after the expiration of the time for redemption provided in section eleven hundred ten of this article, the enforcing officer of each tax district containing part of the forest preserve as defined in the environmental conservation law shall file with the department of environmental conservation a certified statement listing all parcels situated in the forest preserve which have not been redeemed. The tax district shall sell and convey to the state any parcel

listed thereon selected by such department within six months from the filing of such statement upon the payment of the aggregate amount due thereon. Upon the requisition and certificate of the department of environmental conservation, the comptroller shall draw his or her warrant for the payment of such amounts from moneys appropriated and available therefor. After the expiration of such six months, the tax district may dispose of the remaining parcels as provided in section eleven hundred sixty-six of this title.

§ 1180. Despoliation of lands subject to delinquent tax liens. 1.

Neither the owner, occupant nor any other person shall have the right to despoil any lands subject to a delinquent tax lien by removing buildings or mobile homes, other than separately assessed mobile homes, or by cutting, removing or destroying timber or other valuable products, growing, existing or being thereon at the time of the filing of the list of delinquent taxes pursuant to section eleven hundred twenty-two of this article.

2. The tax district shall not enter upon or exercise acts of ownership on such land, until the expiration of the redemption period. The tax district may at any time before obtaining title, cause to be served a notice on any person despoiling such lands or interested in making such despoliation, either personally or by leaving the same at the residence of such person, or with any member of his or her family of suitable age and discretion. The notice shall describe the lands subject to the delinquent tax lien, shall state that such lands are subject to a delinquent tax lien and that an action or proceeding to recover the value of the buildings, timber or other products destroyed or removed therefrom after the date of filing will be instituted against all persons concerned in such despoliation.

3. If such lands are not redeemed, every person despoiling such lands or interested in making such despoliation upon whom service of the notice has been made, shall be liable to pay to the tax district the full value of any buildings, timber or other products cut or destroyed or removed therefrom, from the date of the filing of the list of

delinquent taxes to the termination of such action or proceeding, and may be restrained by injunction from committing any waste thereon.

§ 1182. Cancellation or reduction of interest, penalties and other charges. If the governing body of any tax district shall determine that it is for the best interests of the tax district, it shall have the power, by resolution, to authorize the enforcing officer to permit the cancellation in whole or in part of any interest, penalties or other charges imposed by law to which the tax district or any other municipal corporation shall be lawfully entitled; provided, however, that in cases where such interest, penalties, or other charges, if collected by the tax district, belong to a municipal corporation therein, no reduction or remission in whole or in part of such interest, penalties, or other charges shall be made without the consent of the municipal corporation affected, which consent may be given by resolution adopted after a public hearing.

§ 1184. Payment of delinquent taxes in installments. 1. Definitions.
As used in this section:

(a) "Eligible delinquent taxes" means the delinquent taxes, including interest, penalties and other charges, which have accrued against a parcel as of the date on which an installment agreement is executed.

(b) "Eligible owner" means an owner of real property who is eligible to or has entered into an installment agreement.

(c) "Farm property" means property which qualifies as farm property pursuant to section eleven hundred eleven of this article.

(d) "Installment agreement" means a written agreement between an eligible owner and the enforcing officer providing for the payment of eligible delinquent taxes in installments pursuant to the provisions of this section and the local law adopted hereunder.

(e) "Residential property" means property which qualifies as residential property pursuant to section eleven hundred eleven of this article.

2. Installment payment of eligible delinquent taxes. The governing

body of a tax district is hereby authorized and empowered to enact and amend a local law providing for the installment payment of eligible delinquent taxes. Such installment payment of eligible delinquent taxes shall be made available to each eligible owner on a uniform basis pursuant to the provisions of this section and the local law. Such installment payment of eligible delinquent taxes shall commence upon the signing of an agreement between the enforcing officer and the eligible owner. The agreement shall be kept on file in the office of the enforcing officer.

3. The local law enacted pursuant to this section shall provide:

(a) the maximum term of installment agreements, which shall not exceed thirty-six months;

(b) the payment schedule, which shall be monthly, bi-monthly quarterly or semi-annually;

(c) the required initial down payment, if any, which shall not exceed twenty-five percent of the eligible delinquent taxes;

(d) the properties to which the local law shall apply, which shall be either (i) residential property, (ii) both residential and farm property, or (iii) all properties within such tax district; and

(e) other terms and conditions consistent with the provisions of this section.

4. A property owner shall not be eligible to enter into an agreement pursuant to this section where:

(a) there is a delinquent tax lien on the same property for which the application is made or on another property owned by such person and such delinquent tax lien is not eligible to be made part of the agreement pursuant to this section;

(b) such person is the owner of another parcel within the tax district on which there is a delinquent tax lien, unless such delinquent tax lien is eligible to be and is made part of the agreement pursuant to this section;

(c) such person was the owner of property on which there existed a delinquent tax lien and which lien was foreclosed within three years of the date on which an application is made to execute an agreement pursuant to this section; or

(d) such person defaulted on an agreement executed pursuant to this section within three years of the date on which an application is made to execute an agreement pursuant to this section.

5. A property owner shall be eligible to enter into an agreement pursuant to this section no earlier than thirty days after the delivery of the return of unpaid taxes to the enforcing officer.

6. The amount due under an installment agreement shall be the eligible delinquent taxes plus the interest that is to accrue on each installment payment up to and including the date on which each payment is to be made. The agreement shall provide that the amount due shall be paid, as nearly as possible, in equal amounts on each payment due date. Each installment payment shall be due on the last day of the month in which it is to be paid.

7. Interest and penalties. Interest on the total amount of eligible delinquent taxes, less the amount of the down payment made by the eligible owner, if any is required, shall be that amount as determined pursuant to section nine hundred twenty-four-a of this chapter, or such other law as may be applicable. The rate of interest in effect on the date the agreement is signed shall remain constant during the period of the agreement. If an installment is not paid on or before the date it is due, interest shall be added at the applicable rate for each month or portion thereof until paid. In addition, if an installment is not paid by the end of the fifteenth calendar day after the payment due date, a late charge of five percent of the overdue payment shall be added.

7-a. Waiver of interest and penalties for certain eligible deployed military members. A county, city, town, village or other taxing entity may adopt a local law, resolution or ordinance to waive interest, penalties and fees as would otherwise be imposed pursuant to this section, provided that:

(a) the financial hardship was caused in substantial part by the owner's having been ordered to active military duty in the United States armed forces including the reserve components of such armed forces;

(b) the deployment lasted for at least six contiguous months, or the

owner was killed in acting during such activation; and

(c) the owner provides satisfactory written evidence as prescribed in the local law, resolution or ordinance that the chief elected officer or such county, city, town, village or taxing entity, or their designee, or any other official that may be designated by such law, ordinance or regulation.

8. Default. (a) The eligible owners shall be deemed to be in default of the agreement upon:

(i) non-payment of any installment within thirty days from the payment due date;

(ii) non-payment of any tax, special ad valorem levy or special assessment which is levied subsequent to the signing of the agreement by the tax district, and which is not paid prior to the receipt of the return of unpaid taxes by the enforcing officer; or

(iii) default of the eligible owner on another agreement made and executed pursuant to this section.

(b) In the event of a default, the tax district shall have the right to require the entire unpaid balance, with interest and late charges, to be paid in full. The tax district shall also have the right to enforce the collection of the delinquent tax lien pursuant to the applicable sections of law, special tax act, charter or local law.

(c) Where an eligible owner is in default and the tax district does not either require the eligible owner to pay in full the balance of the delinquent taxes or elect to institute foreclosure proceedings, the tax district shall not be deemed to have waived the right to do so.

9. Notification of potential eligible owners. (a) Within forty-five days after receiving the return of unpaid taxes from the collecting officer, or as soon thereafter as is practicable, the enforcing officer shall notify, by first class mail, all potential eligible owners of their possible eligibility to make installment payments on such tax delinquencies. The enforcing officer shall add one dollar to the amount of the tax lien for such mailing, if the local law provided for such a charge.

(b) The failure to mail any such notice, or the failure of the addressee to receive the same, shall not in any way affect the validity

of taxes or interest prescribed by law with respect thereto.

(c) The enforcing officer shall not be required to notify the eligible owner when an installment is due.

10. Where an installment agreement so provides, the lien or liens to which the agreement relates may be sold to the state of New York municipal bond bank agency, or a tax lien entity created thereby, pursuant to title five of this article. In case of such a sale, the rights and duties of the tax district under the agreement shall be assumed by the tax lien purchaser. The tax lien purchaser shall continue to allow the owner or owners to make installment payments in the amounts and at the times called for by the agreement, as they did prior to the sale to the tax lien purchaser. However, such payments shall be made to the tax lien purchaser or its tax collection agent, rather than to the tax district, unless the tax district and the tax lien purchaser have agreed otherwise.

11. The provisions of this section shall not affect the tax lien against the property except that the lien shall be reduced by the payments made under an installment agreement, and that the lien shall not be foreclosed during the period of installment payments provided that such installment payments are not in default.

TITLE 5

SALES OF DELINQUENT TAX LIENS

Section 1190. Contracts for the sale of delinquent tax liens.

1192. Additional powers of tax districts in connection with the sale of delinquent tax liens.

1194. Foreclosure of tax lien as in an action to foreclose a mortgage.

1194-a. Administration of surplus in connection with tax lien sales.

§ 1190. Contracts for the sale of delinquent tax liens. 1. (a)
Notwithstanding any general or special law to the contrary, a tax

district may enter into a contract to sell some or all of the delinquent tax liens held by it to the state of New York municipal bond bank agency created pursuant to section twenty-four hundred thirty-three of the public authorities law, hereinafter referred to as the "bond bank", or to one or more tax lien entities created by the bond bank pursuant to section twenty-four hundred thirty-five-b of the public authorities law. A tax district may enter into such a contract whether or not it is otherwise subject to the provisions of this article; provided, however, that any county, city or town that is not subject to the provisions of this article pursuant to subdivision two of section eleven hundred four of this article may continue to enforce the collection of delinquent taxes, including through the sale of tax liens, pursuant to a county charter, city charter, administrative code or special law.

(b) The interest rate applicable to all delinquent tax liens sold pursuant to this section shall be as prescribed by section nine hundred twenty-four-a of this chapter or such higher rate as is applicable to such delinquent tax liens in the tax district which is selling its held delinquent tax liens to the bond bank, as of the date of the tax lien sale. Such rate shall be applied to the total amount due as of the date of the tax lien sale, including interest, penalties, and charges.

2. (a) At least thirty days prior to the date on which a sale of delinquent tax liens is scheduled to occur, the enforcing officer shall cause a notice to be mailed, by either ordinary first class mail or certified mail, to: (i) the owner or owners of each affected parcel as appearing on the tax roll, or, if a parcel has been transferred after the applicable taxable status date, to the new owner or owners as reported pursuant to section five hundred seventy-four of this chapter or a comparable law; and (ii) to any other person who has filed a declaration of interest pursuant to section eleven hundred twenty-six of this article, or a comparable instrument pursuant to a comparable law, which has not expired. Failure to provide notice, or failure of the addressee to receive notice pursuant to this subdivision shall not in any way affect the validity of any sale of a tax lien or tax liens pursuant to this chapter, the validity of the taxes or interest prescribed by law with respect thereto.

(b) Such notice shall identify the affected parcel and be in

substantially the following form:

"The real property identified in this notice is subject to a delinquent tax lien held by _____ (enter name of tax district) for _____ (identify fiscal year). According to our records, you own or have an interest in that property. You are hereby advised that on or after _____ (enter expected date of sale), the delinquent tax lien on this property will be sold to _____ (enter name of purchaser). To pay the delinquent taxes prior to the sale, contact _____ (enter the name, title, business address and telephone number of enforcing officer of the tax district)."

(c) Where appropriate, the notice may also include language substantially as follows: "Following the sale, the purchaser of the lien will have the right to collect and enforce the delinquent taxes against your property, and, if necessary, to hire a private collection agency to assist it in securing payment of the amount due. To pay the delinquent taxes on or after the sale, you will have to contact _____ (enter name of tax lien purchaser or its tax collection agent) directly."

(d) Where the property in question is subject to an installment agreement executed pursuant to section eleven hundred eighty-four of this article, the notice shall further include language substantially as follows: "The sale of the tax liens on your property will not affect your right to continue making installment payments in the amounts and at the times called for by your agreement with _____ (enter name of tax district). However, following the sale, the tax lien purchaser will assume the rights of the tax district under the agreement, and future installment payments should be made to _____ (enter name of tax lien purchaser or its tax collection agent) directly."

3. Upon a sale of delinquent tax liens pursuant to this section, the enforcing officer shall issue and deliver to the purchaser one or more certificates identifying the affected parcels and the total amount due on each as of the date of the sale, including interest, penalties, and charges. The enforcing officer shall retain a copy of each such certificate in his or her office, and shall maintain records that will enable interested parties to determine which liens have been sold, to

whom, and the total amount due on such liens when they were sold. When the enforcing officer is duly notified by the tax lien purchaser or its successor in interest that a lien has been redeemed, he or she shall update those records to reflect such redemption. The purchaser of such tax lien may record the certificates evidencing the purchase and sale of the liens in the office of the county recording officer for the tax district. The tax district shall have no further rights or responsibilities relative to delinquent tax liens which have been sold pursuant to this section, except as may otherwise be provided in the contract for the sale of delinquent tax liens.

4. The bond bank or its tax lien entity may, at its discretion, accept partial payments and may enter into installment agreements with owners on such terms and conditions as the tax lien purchaser shall deem advisable, without regard to any restrictions that might be applicable if such purchaser were a tax district. Where a property is subject to more than one delinquent tax lien, the liens shall be redeemed in the manner set forth in section eleven hundred twelve of this article, provided, however, that payments made on a tax lien shall be applied first to pay any reasonable costs incurred in the collection of the tax lien including reasonable attorneys' fees, legal costs, allowances and disbursements, next to pay accrued interest due on the tax lien, and finally to pay the principal of the tax lien, until the entire amount of the lien has been paid.

§ 1192. Additional powers of tax districts in connection with the sale of delinquent tax liens. 1. Notwithstanding any general or special law to the contrary, a contract for the sale of tax liens from a tax district to the bond bank or its tax lien entity shall, consistent with the provisions of title eighteen of article eight of the public authorities law, contain such terms, provisions and conditions as, in the judgment of the tax district shall be necessary or desirable. Each such contract shall specify the amount to be made available to a tax district from the proceeds of an issue of tax lien collateralized securities, which amount may be more or less than the face amount of the tax liens sold to the bond bank or its tax lien entity, and any other

amounts which may be made available to the tax district on a contingent basis under the terms of the contract. In addition, each contract may require such tax district, subject to appropriation by the appropriate legislative body of such tax district, to make provisions for the payment of such other fees, charges, costs and other amounts as the tax district shall in its judgment determine to be necessary or desirable.

2. Any contract entered into pursuant to subdivision one of this section shall provide that the obligation of the tax district executing such contract to fund or pay the amounts therein provided for shall not constitute a debt of such tax district within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of moneys available and that no liability shall be incurred by such tax district beyond the moneys available for such purpose, and that any such payment obligation of such tax district other than the timely payment of any moneys collected and due to the bond bank or its tax lien entity as a result of the redemption of tax liens which are the subject of such contract, is subject to appropriation by the appropriate legislative body of such tax district.

3. A tax district may sell, and contract to sell, tax liens, and all or part of any other amounts which may be made available to the tax district on a contingent basis under the terms of the purchase and sale agreement, to the bond bank or its tax lien entity at such price or prices, upon such terms and conditions and in such manner, as the tax district shall deem advisable. A tax district may also sell, or contract to sell, real property acquired by the tax district pursuant to any tax enforcement proceeding and not yet disposed of by such tax district, to the bond bank or its tax lien entity in connection with the sale or proposed sale of tax liens to the bond bank or its tax lien entity.

4. As a condition of sale of tax liens to the bond bank or its tax lien entity, each tax district shall agree (a) to promptly pay, as directed by the bond bank, any moneys collected by the tax district in connection with the redemption and cancellation of such tax liens, (b) to pay, subject to appropriation by the appropriate legislative body of such tax district, any amounts due and owing to the bond bank or its tax

lien entity as a result of the sale of such tax liens, (c) to make such covenants, representations, and warranties with respect to the tax liens sold as required to effectuate the sale of such tax liens and facilitate the marketing of tax lien collateralized securities issued by the bond bank or its tax lien entity and (d) to accept a note or other instrument issued by the bond bank or its tax lien entity to evidence any contingent amounts payable under the terms of the contract.

5. In connection with the sale or proposed sale of tax liens to the bond bank or its tax lien entity, a tax district may, notwithstanding the provisions of any general or special law to the contrary, pay (a) such fixed or annual charges as may be prescribed from time to time by the bond bank for or with respect to the purchase by the bond bank or its tax lien entity of the tax liens of such tax district, and (b) all charges or expenses necessary for the conversion or reconversion of any of its tax liens into such form as may be required by the bond bank in connection with any sale or other disposition of such tax liens.

6. A contract to sell tax liens pursuant to this section may require the tax district to repurchase a delinquent tax lien under the conditions specified therein. If a delinquent tax lien should be repurchased by the tax district, the tax district may resume the enforcement of the delinquent tax lien pursuant to the locally applicable procedures.

§ 1194. Foreclosure of tax lien as in an action to foreclose a mortgage. 1. Upon the expiration of the redemption period prescribed by law, the purchaser of a delinquent tax lien, or its successors or assigns, may foreclose the lien as in an action to foreclose a mortgage. The procedure in such action shall be the procedure prescribed by article thirteen of the real property actions and proceedings law for the foreclosure of mortgages, except as herein otherwise provided. The complaint in any such action shall be duly verified. At any time following the commencement of an action to foreclose a lien, the amount required to redeem the lien, or the amount received upon sale of a property, shall include reasonable attorneys' fees, legal costs,

allowances and disbursements.

2. In addition to the parties named in section thirteen hundred eleven of the real property actions and proceedings law, the owners of all tax liens upon the real property concerned and all tax districts having a right to assess such real property may be made parties defendant.

3. Where the defendants personally served with the summons and complaint are not infants, incompetents, conservatees or non-residents of the state, and do not appear or answer, judgment by default may be taken without application to the court.

4. In all other cases, including those where a defendant is an infant, incompetent or conservatee and has put in a general answer by his or her guardian, committee or conservator, or where any of the defendants are non-residents of the state, judgment may be entered upon application to the court, but the court shall take proof of the facts and circumstances stated in the complaint and ascertain and determine the amount due without reference, unless the plaintiff apply for reference.

5. The plaintiff shall include and join in one action all tax liens on the same real property or any part thereof which are held by the plaintiff and which are subject to foreclosure as provided in this article. The plaintiff may include and join in one action all tax liens held by the plaintiff, although imposed upon separate and distinct parcels of real property; provided, however, that the description of the particular parcels upon which such tax liens have been imposed are distinctly set forth in separate paragraphs of the complaint, and such parcels shall be separately sold in such action; and provided, further, that any defendant having an interest in or lien upon one or more separate parcels so joined shall have the absolute right to a severance of the action as to such parcel or parcels upon written demand filed with or made a part of his or her answer. The state and any tax district thereof having a lien for taxes or other lawful charges on the real property described in the complaint which arises before the filing of the notice of pendency may be made defendants, and the nature of their respective interests shall be specifically stated.

6. It shall not be necessary for the plaintiff to plead or prove the various steps, procedures and notices for the levy of the tax sought to be foreclosed, other than to allege the nature and amount of the tax and that the same was duly levied, but all such acts, procedures and notices shall be presumed to be valid unless questioned by an answer duly filed. A defendant who has a tax lien evidenced by a certificate of sale or other written instrument shall include in his or her answer a copy of such instrument and a statement of the interest, penalties and other legal charges due on account thereof. A defendant alleging any jurisdictional defect or invalidity in the tax or the sale thereof shall particularly specify in his or her answer such jurisdictional defect or invalidity and shall affirmatively establish such defense. Every answer shall be duly verified.

7. The court shall have full power to determine and enforce in all respects the priorities, rights, claims and demands of the several parties to such action, including the priorities, rights, claims and demands of the defendants as between themselves, and to direct a sale of such real property and the distribution or other disposition of the proceeds of the sale, except as otherwise provided in this article. Any party to the action may become the purchaser at any such sale.

9. After the payment of all legal costs, including reasonable attorneys' fees, allowances and disbursements, the tax liens shall be paid in the order of priority as listed and determined in the judgment pursuant to subdivision seven of this section. All parties to the action who are the owners of tax liens affecting such real property, equal in right, shall be paid from the proceeds of the sale, so far as the proceeds suffice to pay the same, the amounts of their respective liens in the ratio to which the amount of the tax lien of each such party bears to the sum available for distribution as herein provided.

10. The conveyance made pursuant to a judgment in any action brought under this title shall vest in the purchaser all right, title, interest, claim, lien and equity of redemption in and against the real property sold of all parties to the action, and of all persons whose right,

title, interest, claim, lien or equity of redemption has accrued subsequent in time to the filing of the notice of the pendency of the action by assignment of an interest existing prior thereto from one of the parties to the action or any or either of them. All such parties and persons shall be barred and forever foreclosed by the judgment in such action of all right, title, interest, claim, lien and equity of redemption in and to the real property sold or any part thereof, except that the conveyance shall be subject to all taxes or other legal charges of all tax districts which accrued subsequent to the taxes or other legal charges which were the subject of the action. Notwithstanding the provisions of subdivision two of section thirteen hundred fifty-four of the real property actions and proceedings law, this subdivision shall prevail.

11. Where a party to the action or a prospective purchaser seeks to inspect the real property prior to the conveyance in order to ascertain whether, and to what extent, it is environmentally impaired, and permission to enter has been refused, such party or prospective purchaser may petition the court for license to so enter. The motion and affidavits, if any, shall state the facts making such entry necessary, and the date or dates on which entry is sought. Such license shall be granted by the court in an appropriate case upon such terms as justice requires. If the property is redeemed prior to conveyance, the licensee shall be liable to the owner for any actual damages occurring as a result of the entry.

§ 1194-a. Administration of surplus in connection with tax lien sales. Real property tax liens owned by third parties, including those tax liens sold pursuant to former title three of article fourteen of this chapter or pursuant to a special or local law or charter shall only be enforced in the manner described in this section:

1. Upon written application and the surrender of the tax lien certificate of sale, a treasurer's deed may be issued vesting in the tax lien certificate holder an absolute estate in fee, subject to all claims the taxing jurisdiction or state may have thereon for taxes, liens or

encumbrances, if (a) a New York state licensed real estate appraiser conducts an appraisal of the property prior to the issuance of the deed to establish the property's fair market value and (b) the property's appraised value does not exceed the outstanding amount due to the tax lien holder. The tax district shall levy the cost of conducting the appraisal as a lien upon the property to be collected along with any other pending taxes, liens, or encumbrances; or

2. Notwithstanding any other law to the contrary, after the applicable redemption period has elapsed, an action to foreclose a tax sale certificate issued pursuant to former title three of article fourteen of this chapter or pursuant to a local law or charter may be commenced and maintained pursuant to this title.

3. Notwithstanding any other law to the contrary, when a tax lien has been sold to a third party, the lienholder shall send a homeowner warning notice in the manner provided by section eleven hundred forty-four of this article at least one hundred eighty days prior to making application for a treasurer's deed or commencing a foreclosure proceeding, as the case may be.

4. Notwithstanding the foregoing provisions of this section, in a city with a population of one million or more, real property tax liens owned by third parties shall be enforced in the manner provided by the administrative code of such city.

TITLE 6

DISTRIBUTION OF SURPLUS

Section 1195. Definitions.

1196. Determination of existence and amount of surplus.

1197. Claims for surplus.

§ 1195. Definitions. In addition to the definitions set forth in section eleven hundred two of this article, for purposes of this title:

1. "Former homeowner" means a person or persons who lost title to and/or ownership of residential property due to a tax foreclosure.

2. "Public sale" means a sale resulting from a public auction conducted in accordance with the provisions of section two hundred thirty-one of the real property actions and proceedings law.

3. "Surplus" means the net gain, if any, realized by the tax district upon the sale of tax-foreclosed property, as determined in the manner set forth in section eleven hundred ninety-six of this title. Where no such gain was realized, no surplus shall be attributable to that sale.

4. "Tax-foreclosed property" means a parcel as to which a judgment of foreclosure has been issued pursuant to section eleven hundred thirty-six of this article.

§ 1196. Determination of existence and amount of surplus. 1. (a) Within forty-five days after the sale of tax-foreclosed property, the enforcing officer shall determine whether a surplus is attributable to such sale and if so, the amount thereof. Subject to the provisions of subdivision two of this section, such determination shall be made by ascertaining the sum of the total amount of taxes due plus interest, penalties and other charges as defined by section eleven hundred two of this article, and subtracting such sum from whichever of the following is applicable:

(i) where the sale was a public sale, the amount to be so subtracted shall be the amount paid for the property;

(ii) where the sale was not a public sale, the amount to be so subtracted shall be either (A) the full value of the property as shown on the most recent tax roll, (B) if available, an appraisal prepared by a licensed New York state appraiser that establishes the full value of the property as of the date of the transfer of title, or (C) the full value of the property as of the date of the transfer of title as determined by such other valuation method as the enforcing officer reasonably determines will result in just compensation to the former owner and other parties whose interests were extinguished by the

foreclosure.

(b) For purposes of this subdivision, where the enforcing officer has been notified that the tax district intends to retain tax-foreclosed property for a public use, the property shall be deemed to have been sold on the date that the enforcing officer was so notified, and the enforcing officer shall determine the existence and amount of a surplus relative to such property in the manner provided by subparagraph (ii) of paragraph (a) of this subdivision.

2. Notwithstanding the provisions of subdivision one of this section, when a tax district has sold or conveyed tax-foreclosed property to a land bank, a housing development agency or another public entity, and such sale or conveyance was not the result of a public sale, or when a tax district has determined to retain tax-foreclosed property for a public use, no surplus shall be payable if all of the following conditions are satisfied:

(a) prior to such sale, conveyance or determination, the property had been offered for sale at two separate public auctions conducted at least three months apart from one another,

(b) both auctions had been conducted in full compliance with the provisions of section two hundred thirty-one of the real property actions and proceedings law,

(c) the minimum acceptable bid at each auction had been set at an amount no greater than the sum of the taxes due plus interest, penalties and other charges, and

(d) no qualifying bids were received for the property at either auction.

3. (a) If the enforcing officer determines that no surplus is attributable to the sale, such enforcing officer shall submit a report to the court describing the circumstances of the sale, stating that no surplus was attributable to the sale and demonstrating how the enforcing officer reached that conclusion.

(b) If the enforcing officer determines that a surplus is attributable to the sale, such enforcing officer shall submit a report to the court describing the circumstances of the sale, stating that a surplus was attributable to the sale, and demonstrating how the amount of the

surplus was determined. Such surplus shall be paid to the court therewith. Within ten days of submitting such report, the enforcing officer shall notify the former property owner that a surplus was attributable to the sale of such property, that such surplus has been paid into court, and that the court will notify the interested parties of the procedure to be followed in order to make a claim for a share of the surplus.

(c) Where the enforcing officer's determination of surplus is based upon such enforcing officer's estimate of the property's value, the enforcing officer's report to the court shall set forth an explanation of how this estimate was made, including the evidence upon which it was based.

4. Upon approval by the court of the enforcing officer's report, the tax district shall have no further responsibilities in relation to the parcel or any surplus attributable thereto, except to the extent the court directs otherwise pursuant to section eleven hundred ninety-seven of this title.

§ 1197. Claims for surplus. 1. Any person who had any right, title, interest, claim, lien or equity of redemption in or upon a parcel immediately prior to the issuance of the judgment of foreclosure may file a claim with the court having jurisdiction for a share of any surplus resulting from the sale of such property. Such claims shall be administered and adjudicated, and such surplus shall be distributed, in the same manner as in an action to foreclose a mortgage pursuant to article thirteen of the real property actions and proceedings law, subject to the provisions of this section.

2. (a) Where the property was sold by a public sale, the amount paid for the property shall be accepted as the full value of the property. No party may maintain a claim for surplus or any other claim or action against the tax district on the basis that the amount paid for the property did not fairly represent the property's value.

(b) Where the property was sold by other than a public sale, a claimant may make a motion, upon notice to the enforcing officer, for

the surplus to be recalculated on the basis that the property's full value on the date of the sale was substantially higher than the value used to measure the surplus pursuant to subparagraph (ii) of paragraph (a) of subdivision one of section eleven hundred ninety-six of this title. If the court or its referee finds that a preponderance of the evidence supports the claimant's position, the court may direct the enforcing officer to recalculate the surplus based upon the property's value as determined by the court or referee. The court may further direct the enforcing officer to pay the difference into court to be distributed as required by this section.

3. Where the court has appointed a referee to preside over the proceedings pursuant to subdivision two of section thirteen hundred sixty-one of the real property actions and proceedings law, it shall not be necessary for such referee to make a report of such proceedings; nor shall it be necessary for the court to confirm by order or otherwise such proceedings.

4. In the case of residential property, if at the time of the confirmation of the report of sale, no former homeowner has filed a claim for surplus, and there are surplus proceeds that remain to be distributed, the proceeding shall remain open for at least three years from the confirmation of the report of sale, or for such longer period as the court may direct. If a former homeowner should file a claim for surplus during such period, the court shall proceed as if it had been timely filed.

5. At the conclusion of such proceedings, any surplus funds that have not been claimed shall be deemed abandoned but shall be paid to the tax district, not to the state comptroller, and shall be used by the tax district to reduce its tax levy.

6. To the extent the provisions of article thirteen of the real property actions and proceedings law are inconsistent with the provisions of this article, the provisions of this article shall govern.

ARTICLE 12

STATE EQUALIZATION

- Title 1. State equalization rates.
2. Special equalization rates.

TITLE 1

STATE EQUALIZATION RATES

- Section 1200. Studies for establishing state equalization rates.
- 1202. Establishment of state equalization rates and class ratios and class equalization rates.
 - 1204. Tentative state equalization rates, class ratios and class equalization rates; notice thereof.
 - 1206. Complaints.
 - 1208. Hearing of complaints.
 - 1210. Establishment of final state equalization rates, class ratios and class equalization rates.
 - 1211. Confirmation by commissioner of the locally stated level of assessment.
 - 1212. Certification of final state equalization rates, class ratios and class equalization rates.
 - 1214. Establishment of state equalization rates for counties.
 - 1216. Establishment of state equalization rates for supplemental assessment rolls for school purposes; computation of full valuation for school districts using supplemental assessment rolls.
 - 1218. Review of final determinations of state board of real property tax services relating to state equalization rates.

§ 1200. Studies for establishing state equalization rates. 1. At least once in every three years in all cities and towns, the commissioner shall, as part of its procedure for establishing state equalization rates pursuant to this article, sample the ratio of assessments to market values for each major type of taxable real property as of the same date or period of time. In each special assessing unit and each

approved assessing unit which has adopted the provisions of section nineteen hundred three of this chapter the commissioner shall also sample the ratio of assessments to market values for each class and each class in each portion as those terms are defined in section eighteen hundred two and section nineteen hundred one of this chapter. Upon completion of each such study, the results thereof shall be filed in the office of the commissioner as a public record, but until such completion, the study shall not be a public record and shall not be subject to the provisions of article six of the public officers law.

2. A study conducted pursuant to subdivision one of this section shall be known as a "market value survey". Each market value survey shall be identified by the year containing the date as of which the full value of taxable real property is estimated for purposes of that market value survey, which date shall be known as the "valuation date" of that market value survey.

3. A market value survey conducted pursuant to this section shall be based upon any data collected or maintained by the commissioner, including sales data, data made available by local assessors concerning physical characteristics of parcels, the value of such parcels or the aggregate full value of some or all of the parcels within the assessing unit. The commissioner shall promulgate rules to provide that the quality and accuracy of the data concerning physical characteristics of the parcels and any other data provided by local assessors are sufficient for use in the conduct of the market value survey. Where the commissioner determines that the local data is of sufficient quality and accuracy for use in the market value survey, the assessing unit shall provide such data to the commissioner at the commissioner's request.

4. The commissioner shall prepare and submit a report to the governor, the president pro tem of the senate and the speaker of the assembly concerning the quality of local assessment practices found through the market value survey. Such report shall be presented no later than December thirty-first of the second year following the year in which a new market value survey is first utilized in the establishment of state equalization rates pursuant to section twelve hundred two of this

article.

5. For purposes of this article, and any procedure required herein, the commissioner may determine the aggregate full value of any assessing unit, portion of an assessing unit or class within an assessing unit in determining the ratio of assessments to market value in the calculation of any rate or ratio.

§ 1202. Establishment of state equalization rates and class ratios and class equalization rates. 1. (a) Upon final completion of the assessment roll of each city, town and village, the commissioner shall inquire into and ascertain as near as may be the percentage of full value at which taxable real property in such city, town or village is assessed, which percentage as finally determined as provided in this article shall be the state equalization rate for such roll. In the case of a city in a county having a county department of assessment with the power to assess real property, the commissioner also shall establish a state equalization rate for that portion of the county roll containing the assessments of taxable real property in such city.

(b) In the case of special assessing units as defined in section eighteen hundred one of this chapter, the commissioner shall also ascertain for the purposes of article seven of this chapter the ratio of the assessed valuation to the full valuation of taxable real property for each class of property established under article eighteen of this chapter, which percentages as finally determined as provided in this article shall be the class ratios for each such class.

(c) In the case of special assessing units as defined in section eighteen hundred one of this chapter and approved assessing units and eligible non-assessing unit villages which have adopted the provisions of section nineteen hundred three of this chapter as defined in section nineteen hundred one of this chapter, the commissioner shall further ascertain, for the purposes of section eighteen hundred three-a and subdivision three of section nineteen hundred three of this chapter, the percentage of full value at which taxable real property in each class and each class in each portion has been assessed, which percentage as finally determined as provided in this article shall be the class

equalization rate for such class or such class in such portion.

2. In establishing state equalization rates, class ratios and class equalization rates the commissioner may, in its discretion, take testimony and hear proof under oath or otherwise, and may avail itself of all information appearing in its office or acquired in the discharge of its duties and may employ experts or other persons to procure any information required for such purpose.

3. All state equalization rates, special equalization rates, class ratios and class equalization rates established by the commissioner pursuant to law may be expressed to such number of decimal places as the commissioner may determine, provided that the number of decimal places shall be uniform for all state equalization rates, special equalization rates, class ratios and class equalization rates established for assessment rolls completed in the same calendar year.

4. For purposes of this article, the assessment roll of a village that has enacted a local law pursuant to the provisions of subdivision three of section fourteen hundred two of this chapter shall be the copy of the part of the town or county assessment roll used for village tax purposes subsequent to the enactment of such local law and the state equalization rate established by the commissioner for the town or county assessment roll shall be deemed to be the state equalization rate established for the village.

5. State equalization rates established by the commissioner may be based upon such market value survey or surveys as the commissioner may designate for that purpose, subject to the following:

(a) the market value survey or surveys so designated shall be uniform for state equalization rates established for all city and town assessment rolls completed in the same calendar year;

(b) for special assessing units and approved assessing units and eligible non-assessing unit villages which have adopted the provisions of section nineteen hundred three of this chapter, the market value survey or surveys so designated for class equalization rates for any assessment roll shall be the same as those designated for state

equalization rates for that assessment roll;

(c) the state equalization rate for the assessment roll of a village whose boundaries are coterminous with the boundaries of a union free school district shall be based upon the same market value survey or surveys as the survey or surveys used for state equalization rates for city and town assessment rolls finally completed and filed in the same calendar year as the assessment roll of such village;

(d) the state equalization rate for a village other than those villages described in subdivision four of this section and paragraph (b) of this subdivision shall be based upon the same market value survey or surveys used for the establishment of the state equalization rate of the appropriate town or county assessment roll.

§ 1204. Tentative state equalization rates, class ratios and class equalization rates; notice thereof. 1. Upon completion of its inquiry, investigation and studies with respect to the establishment of an equalization rate for a city, town or village and in the case of special assessing units, class ratios and class equalization rates, the commissioner shall determine a tentative equalization rate for such city, town or village, class ratios for special assessing units and class equalization rates for special assessing units and approved assessing units and eligible non-assessing unit villages which have adopted the provisions of section nineteen hundred three of this chapter and each portion therein. A tentative equalization rate, class ratios and class equalization rates, may be determined prior to final completion of an assessment roll.

2. After determining the tentative equalization rate, class ratios and class equalization rates, if required for any city, town, village, special assessing unit, or approved assessing unit or eligible non-assessing unit village which has adopted the provisions of section nineteen hundred three of this chapter, the commissioner shall give notice in writing to the chief executive officer of such city, town, village, special assessing unit, or approved assessing unit or eligible non-assessing unit village which has adopted the provisions of section nineteen hundred three of this chapter stating that such determination

has been made, setting forth the tentative equalization rate, class ratios and class equalization rates, if required, identifying the assessment roll for which they were established and specifying the time and place where the commissioner or a duly authorized representative thereof will meet to hear any complaint concerning such equalization rate, class ratios and class equalization rates, if required. Such notice must be served at least twenty days before the day specified for the hearing.

3. Where the tentative equalization rate is not within plus or minus five percent of the locally stated level of assessment, the assessor shall provide notice in writing to the local governing body of any affected town, city, village, county and school district of the difference between the locally stated level of assessment and the tentative equalization rate. Such notice shall be made within ten days of the receipt of the tentative equalization rate, or within ten days of the filing of the tentative assessment roll, whichever is later, and shall provide the difference in the indicated total full value estimates of the locally stated level of assessment and the tentative equalization rate for the taxable property within each affected town, city, village, county and school district, where applicable.

§ 1206. Complaints. If any city, town, village, special assessing unit, or approved assessing unit or eligible non-assessing unit village which has adopted the provisions of section nineteen hundred three of this chapter proposes to complain at the hearing of the commissioner concerning the tentative equalization rate, class ratios and class equalization rates determined for it or any portion contained therein, such city, town, village, special assessing unit, or approved assessing unit or eligible non-assessing unit village which has adopted the provisions of section nineteen hundred three of this chapter must cause a written complaint specifying its objections to be served on the commissioner at least five days before the day specified for the hearing. Service may be made either in person or by mail. A complaint concerning data used for purposes of a tentative equalization rate, class ratio, class equalization rate or special equalization ratio shall

be deemed a complaint with respect to such data for all such purposes.

§ 1208. Hearing of complaints. The commissioner or a duly authorized representative thereof shall meet at the time and place specified in the notice required by section twelve hundred four of this chapter to hear complaints in relation to equalization rates, class ratios or class equalization rates. The provisions of section five hundred twenty-five of this chapter shall apply so far as practicable to a hearing under this section. Nothing contained in this section shall be construed to require a hearing to be conducted when no complaints have been filed.

§ 1210. Establishment of final state equalization rates, class ratios and class equalization rates. After receiving the commissioner's report regarding any complaint filed pursuant to section twelve hundred eight of this title, the state board of real property tax services shall establish the final state equalization rate, class ratios, and class equalization rates, if required, for each city, town, village, special assessing unit, or approved assessing unit or eligible non-assessing unit village which has adopted the provisions of section nineteen hundred three of this chapter.

§ 1211. Confirmation by commissioner of the locally stated level of assessment. Notwithstanding the foregoing provisions of this title, before the commissioner determines a tentative equalization rate for a city, town or village, he or she shall examine the accuracy of the locally stated level of assessment appearing on the tentative assessment roll. If the commissioner confirms the locally stated level of assessment, then as soon thereafter as is practicable, he or she shall establish and certify such locally stated level of assessment as the final equalization rate for such city, town or village in the manner provided by sections twelve hundred ten and twelve hundred twelve of this title. The provisions of sections twelve hundred four, twelve hundred six and twelve hundred eight of this title shall not apply in such cases, unless the commissioner finds that the final assessment roll

differs from the tentative assessment roll to an extent that renders the locally stated level of assessment inaccurate, and rescinds the final equalization rate on that basis.

§ 1212. Certification of final state equalization rates, class ratios and class equalization rates. After establishing the final state equalization rate, class ratios and class equalization rates, if required, for a city, town, village, special assessing unit, or approved assessing unit or eligible non-assessing unit village which has adopted the provisions of section nineteen hundred three of this chapter, the commissioner shall file a certificate with the chief executive officer of such city, town, village, special assessing unit, or approved assessing unit or eligible non-assessing unit village which has adopted the provisions of section nineteen hundred three of this chapter setting forth such final state equalization rate, class ratios and class equalization rates and identifying the assessment roll for which it was established. The certification of the final state equalization rate, class ratios, and class equalization rates, if required, shall occur no later than thirty days prior to the last date set by law for levy of taxes of any municipal corporation to which such equalization rate, class ratios, and class equalization rates are applicable. A duplicate certificate for each city, town, village within a county, special assessing unit and approved assessing unit and eligible non-assessing unit village which has adopted the provisions of section nineteen hundred three of this chapter or a certified statement setting forth the final rates for all the cities, towns, villages within a county, special assessing units and approved assessing units and eligible non-assessing unit villages which have adopted the provisions of section nineteen hundred three of this chapter shall be filed with the clerk of the board of supervisors thereof and in the office of the state comptroller.

§ 1214. Establishment of state equalization rates for counties. The commissioner shall annually establish a state equalization rate for each county in the state and determine the full valuation of taxable real property therein. The state equalization rate established for any county

assessing unit, other than a special assessing unit, shall also be established as the state equalization rate for each city, town and non-assessing unit village within such county.

§ 1216. Establishment of state equalization rates for supplemental assessment rolls for school purposes; computation of full valuation for school districts using supplemental assessment rolls. 1. Where a supplemental assessment roll has been completed, verified and filed pursuant to section thirteen hundred thirty-five of this chapter, the commissioner shall determine an equalization rate for such supplemental assessment roll in the manner provided in this article for determining equalization rates for towns. The equalization rate so determined for the supplemental assessment roll shall be used in computing the taxable full valuation of real property on the supplemental assessment roll for all school district purposes except as otherwise provided in section thirteen hundred fourteen of this chapter.

2. The full valuation of taxable property for school district purposes for a fiscal year of a school district in which supplemental assessment rolls were completed, verified and filed pursuant to section thirteen hundred thirty-five of this chapter for such fiscal year, shall be the simple average of the full valuation of taxable property on the regular and supplemental assessment rolls of such school district for such fiscal year, provided however, that such supplemental assessment rolls shall not be used in determining limitations on indebtedness pursuant to the local finance law. Such full valuation shall be computed for each roll by dividing the taxable assessed valuation on each such roll by the state equalization rate established for each such roll.

§ 1218. Review of final determinations of state board of real property tax services relating to state equalization rates. A final determination of the state board of real property tax services relating to state equalization rates may be reviewed by commencing an action in the appellate division of the supreme court in the manner provided by article seventy-eight of the civil practice law and rules upon

application of the county, city, town or village for which the rate or rates were established. The standard of review in such a proceeding shall be as specified in subdivision four of section seventy-eight hundred three of the civil practice law and rules. Whenever a final order is issued in such a proceeding directing a revised state equalization rate, any county, village or school district that used the former rate in the apportionment of taxes must, upon receipt of such final order, recalculate the levy that used such former rate and credit or debit as appropriate its constituent municipalities in its next levy. Any special franchise assessments that were established using the former rate must, upon receipt of such final order, be revised by the state board in accordance with the new rate, and, if taxes have already been levied upon such assessments, the affected special franchise owners shall either automatically receive a refund if there is a decrease or be taxed on an increase in the next levy in the manner provided for omitted parcels in title three of article five of this chapter.

TITLE 2

SPECIAL EQUALIZATION RATES

Section 1220. Definitions.

- 1221. Computation of change in level of assessment.
- 1222. Special equalization rates; state assessments.
- 1224. Special equalization rates; ceilings or local assessment limitations; alternative veterans exemption.
- 1226. Special equalization rates; tax apportionment.
- 1227. Rates for apportionment purposes; full value adjustments.
- 1228. Certification of change in level of assessment factors for certain exemptions.
- 1230. Special equalization rates for certain school districts.

§ 1220. Definitions. When used in this title:

1. "Change in level of assessment" means the net percentage increase or decrease in the assessed valuation of all taxable real property in an assessing unit from one final assessment roll to the next, other than

increases or decreases in the assessed valuation of special franchises, transportation properties of railroads subject to a ceiling assessment, wholly exempt properties, and other than increases or decreases in value attributable to physical or quantity changes in the property.

2. "Change in level of assessment factor" means a multiplication factor which represents the change in level of assessment.

3. "Material change in level of assessment" means a change in level of assessment of two percent or more in any one year.

4. "Physical or quantity change" means but shall not be limited to either an increase in assessed value from the prior roll resulting from new construction, property annexed from another assessing unit, and the addition of property omitted from the prior roll, or a decrease in assessed value from the prior roll resulting from fire, demolition, and the deletion of duplicate parcels from the roll. A physical or quantity change does not result from the splitting or merging of parcels.

§ 1221. Computation of change in level of assessment. Upon the receipt of an assessor's annual report, filed pursuant to section five hundred seventy-five of this chapter, which complies with the rules of the commissioner, the commissioner shall compute the change in level of assessment that has occurred, if any.

§ 1222. Special equalization rates; state assessments. 1. (a) If the commissioner finds that there has been a material change in level of assessment, it shall determine a special equalization rate for purposes of the assessment of special franchises and the approval of assessments of taxable state lands. The commissioner shall adjust the assessments affected by this special equalization rate and shall notify the appropriate assessor, county director of real property tax services and special franchise owner.

(b) Upon receipt of the notice referred to in paragraph (a) of this subdivision, the assessor shall make the appropriate changes on the

assessment roll. If the notice is received after the filing of the final assessment roll but at least ten days prior to the last day set by law for a levy of taxes on that roll, the assessor shall notify the person or persons having custody and control of the roll for that levy of the changes to be made thereto and shall provide that person or those persons with a copy of the notice received by the assessor from the commissioner. The person or persons shall enter the changes on the roll and affix the notice from the commissioner.

(c) If the assessor or other local official is unable to make the appropriate changes within the time provided in paragraph (b) of this subdivision, and those changes would have increased the taxable assessed value, the assessor shall determine the amount of assessed valuation which was not subject to such tax levy and shall enter that amount on the assessment roll of the succeeding year in the manner provided for the entry of omitted real property by title three of article five of this chapter. If those changes would have decreased the assessed value, correction shall be made in the manner provided for the correction of an unlawful entry by title three of article five of this chapter.

2. If the commissioner finds that there has been a change in level of assessment which is not a material change in level of assessment, and if a request for a special equalization rate is filed with the commissioner by either the assessing unit or a special franchise owner, the commissioner shall determine a special equalization rate for assessment purposes if it can do so not later than ten days prior to the last date set by law for the levy of taxes. The commissioner shall thereupon adjust the assessments affected by such special equalization rate and shall notify the appropriate assessor, county director of real property tax services and special franchise owners. Upon receipt of this notice, the assessor or other local official having custody and control of the assessment roll shall make the appropriate changes on the assessment roll, as provided in paragraph (b) of subdivision one of this section.

§ 1224. Special equalization rates; ceilings or local assessment limitations; alternative veterans exemption. 1. Where the commissioner is authorized or directed by law to determine special equalization rates

or change in level of assessment factors for an assessment ceiling or other assessment limitation and there has been a material change in level of assessment, the commissioner shall determine and certify the appropriate special equalization rates or change in level of assessment factor and shall notify the assessor and the county director of real property tax services. The assessor shall recompute the ceilings or assessments on any properties affected by such rates.

2. If the ceiling or assessment limitation as determined prior to the application of the special equalization rate or change in level of assessment factor exceeded the local assessed valuation, the assessor shall make no change in the taxable assessed value of property subject to the ceiling or local assessment limitation. If the ceiling or assessment limitation prior to application of the special rate or change in level of assessment factor was less than the local assessed valuation, after recomputing the ceiling or assessment limitation, the assessor shall amend the assessment roll by entering as the taxable assessed value the lesser of: (i) the new ceiling or limitation and (ii) the local assessed valuation.

3. The commissioner shall promulgate rules and regulations listing all statutes to which this section applies.

4. Where an assessing unit other than a special assessing unit implements, in accordance with the rules and regulations of the commissioner, a revaluation or update as defined in section one hundred two of this chapter, on an assessment roll with a taxable status date on or after January first, nineteen hundred ninety-nine, and the valuation date of the revaluation or update is as current or more current than the full value standard of the market value survey used to establish the state equalization rate for that assessment roll, the commissioner shall establish a special equalization rate for purposes of this section which rate shall be the uniform percentage of value prevailing on the assessment roll for which the rate is established.

§ 1226. Special equalization rates; tax apportionment. 1. If the

commissioner finds that there has been a material change in level of assessment in a town or city since the last state equalization rate was established, it shall determine and certify a special equalization rate for tax apportionment purposes to the district superintendent of schools for use in the apportionment of school taxes as provided in section thirteen hundred fourteen of this chapter.

2. If the commissioner finds that the last state equalization rate is inequitable for part of a town or city within a school district or special district, it shall determine a special equalization rate for such part and shall furnish such rate to the district superintendent of schools or the clerk of the county legislative body, as the case may be; provided that with respect to levies on behalf of special districts, the same be certified at least fifteen days prior to the last date set by law for such levy.

3. If the commissioner finds that the latest state equalization rate for a town is inequitable for the town or part thereof located in a village which has adopted a local law pursuant to subdivision three of section fourteen hundred two of this chapter, it shall determine a special equalization rate and furnish such rate to the clerk of the village board of trustees.

§ 1227. Rates for apportionment purposes; full value adjustments. 1. If a nuclear powered electric generating facility, as defined by section four hundred eighty-five of this chapter, is exempt from taxation for all purposes pursuant to section four hundred eighty-five of this chapter, the facility shall be deemed to be wholly exempt real property for purposes of this article. If such a facility is not exempt for all purposes, it shall be deemed to be taxable real property for purposes of this article.

2. (a) When a nuclear powered electric generating facility is exempt from taxation for school district purposes pursuant to section four hundred eighty-five of this chapter, but it is not exempt for all purposes, the commissioner shall establish a special apportionment rate

for the assessing unit containing the facility, which rate shall be used for purposes of apportioning school district taxes to that assessing unit pursuant to section thirteen hundred fourteen of this chapter, subject to the provisions of paragraph (b) of this subdivision. Provided, however, that no such rate shall be established unless it would result in a change of two percent or more in the share of the school district levy allocated to at least one school district segment, or where applicable in the share of the non-homestead class levy allocated to at least one portion.

(b) When there is another such facility located within the same assessing unit but within a different school district, and such facility is not exempt from taxation for purposes of that school district, the commissioner may establish a different special apportionment rate for purposes of apportioning the taxes of the school district to that assessing unit.

3. When a nuclear powered electric generating facility is exempt from taxation for county purposes pursuant to section four hundred eighty-five of this chapter, but it is not exempt for all purposes, the commissioner shall establish a special apportionment rate for the assessing unit containing the facility for purposes of establishing county equalization rates pursuant to title two of article eight of this chapter. Provided, however, no such rate shall be established unless it would result in a change of two percent or more in the share of the county levy allocated to any city or town within the county, or where applicable, in the share of the non-homestead class levy allocated to any portion.

4. When the commissioner has established a special apportionment rate pursuant to this section, the affected county or school district may request a full value adjustment from the commissioner. Any such request must be submitted no later than thirty days prior to the last date set by law for the first tax levy involving such rate. Where such a request is granted, the commissioner shall issue a series of full value adjustments over a five-year period, which shall have the effect of phasing in over that period the impact of the special apportionment rate upon the tax levy.

§ 1228. Certification of change in level of assessment factors for certain exemptions. Where the commissioner is authorized or directed by law to certify a change in level of assessment for adjustment by the assessor of a maximum taxable assessed value of partially exempt real property, it shall do so in the same manner and subject to the same limitations as provided in section twelve hundred twenty-four of this title for the determination of special equalization rates for ceiling purposes.

§ 1230. Special equalization rates for certain school districts. 1. The commissioner shall establish a special equalization rate for each school district enumerated in subdivision three of this section for the sole purpose of determining actual valuation pursuant to paragraph c of subdivision one of section thirty-six hundred two of the education law. Where such school district is situated in more than one assessing unit, a special equalization rate shall be established for the area of the district in each assessing unit.

2. Special equalization rates established pursuant to this section shall be the percentage of full value at which the taxable real property in a district has been assessed on an assessment roll.

3. Special equalization rates shall be established for the following school districts:

Amityville union free school district

Brentwood school district

Central Islip school district

Freeport union free school district

Hempstead union free school district

Roosevelt union free school district

Tuckahoe union free school district

Uniondale union free school district

Westbury union free school district

Wyandanch school district

ARTICLE 12-A

SPECIAL STATE EQUALIZATION RATIOS FOR COMPUTING CONSTITUTIONAL TAX AND DEBT LIMITATIONS FOR CITIES OF ONE HUNDRED TWENTY-FIVE THOUSAND OR MORE

Section 1250. Definitions.

1251. Establishment of special equalization ratios.

1252. Manner by which ratios shall be determined.

1253. Hearing and determination.

1254. Use of special equalization ratios.

§ 1250. Definitions. 1. "Last completed assessment roll" shall mean the assessment roll last completed, verified and filed by the assessors on or before the date upon which the amount to be raised by tax on real estate is actually determined.

2. "Market value surveys" shall mean the statewide studies completed by the commissioner pursuant to section twelve hundred of this chapter and actually used in establishing state equalization rates pursuant to article twelve of this chapter.

3. "Valuation date" shall mean the date as of which full value is estimated for purposes of market value surveys completed pursuant to section twelve hundred of this chapter.

§ 1251. Establishment of special equalization ratios. The commissioner shall, for a city with a population of one hundred twenty-five thousand or more inhabitants, establish annually the ratio of the assessed valuation to the full valuation of taxable real estate on the last completed assessment roll and each of the four preceding assessment rolls of such city in accordance with the provisions of this article.

§ 1252. Manner by which ratios shall be determined. In determining ratios pursuant to this article, the commissioner shall, for the last completed assessment roll and each of the four preceding assessment rolls, determine the ratio of assessed valuation to full valuation as of the first day of January of the fiscal year for which the ratio is applicable. Each ratio shall be determined on the basis of the market value survey completed pursuant to article twelve of this chapter and for which the valuation date is the first day of January of each applicable year. In the event that a market value survey has not been completed based upon each such valuation date, the commissioner shall determine the ratios in the following manner:

(a) compute the ratio of assessed valuation to the full valuation of taxable real estate on the basis of market value surveys completed pursuant to article twelve of this chapter;

(b) on the basis of the ratios computed pursuant to subdivision (a), project increases or decreases in the ratios for years for which the information has not been developed pursuant to article twelve of this chapter;

(c) avail itself of appropriate market value information appearing in its office or acquired in the discharge of its duties pursuant to this chapter.

§ 1253. Hearing and determination. Not later than twenty days prior to the ensuing fiscal year of each city with a population of one hundred twenty-five thousand or more inhabitants, the state board of real property tax services shall provide written notice of the determination of tentative ratios pursuant to this article to the chief executive

officer thereof. The notice shall set forth such ratios, identifying the assessment rolls for which the ratios were determined and specifying the time and place where the state board of real property tax services or a duly authorized representative thereof will meet to hear complaints presented by a city concerning such ratios. Such notice must be served at least five days before the date specified for the hearing. After hearing any such complaints, the state board of real property tax services shall establish final ratios for such rolls in accordance with the provisions of this article. A city is hereby authorized and empowered to waive the hearing with respect to such ratios.

§ 1254. Use of special equalization ratios. Notwithstanding the provisions of any general or special law, the ratios established in accordance with the provisions of this article shall be used in calculating average full valuation of taxable real estate of a city in computing and applying the limitation on the amount to be raised by tax on real estate pursuant to section ten of article eight of the constitution and the limitation on local indebtedness pursuant to section four of article eight of the constitution for the fiscal year of such city for which such assessments are used in computing such limitations.

ARTICLE 12-B

SPECIAL STATE EQUALIZATION RATIOS FOR COMPUTING CONSTITUTIONAL DEBT LIMITATIONS FOR CITY SCHOOL DISTRICTS

Section 1260. Definitions.

1261. Determination of ratios of assessed valuation to full valuation.

1262. Manner by which ratios shall be determined.

1263. Notice of determination of tentative ratios and opportunity to be heard.

1264. Certification of final ratios.

§ 1260. Definitions. For purposes of this article:

1. "City school district" shall mean any school district which is coterminous with, or partly within or wholly within a city having less than one hundred twenty-five thousand inhabitants according to the latest federal census.

2. "Last completed assessment roll" shall mean the assessment rolls last completed, verified and filed by each county, city and town assessor on or before the date upon which the amount to be raised by tax on real estate is actually determined.

3. "Market value surveys" shall mean the statewide studies completed by the commissioner pursuant to section twelve hundred of this chapter and actually used in establishing state equalization rates pursuant to article twelve of this chapter.

4. "Valuation date" shall mean the date as of which full value is estimated for purposes of market value surveys completed pursuant to section twelve hundred of this chapter.

§ 1261. Determination of ratios of assessed valuation to full valuation. Notwithstanding any general or special law to the contrary, the commissioner shall annually determine the ratios which the assessed valuations of taxable real estate on the last completed assessment rolls and the four preceding rolls of each city school district bear to the full valuation of such real estate for the purpose of computing and applying the limitation on local indebtedness pursuant to section four of article eight of the constitution.

§ 1262. Manner by which ratios shall be determined. In determining ratios pursuant to this article, the commissioner shall, for the last completed assessment rolls and the four preceding assessment rolls, determine the ratios of assessed valuation to full valuation as of the first day of January of the fiscal year for which the ratios are applicable. Each ratio shall be determined on the basis of the market

value survey completed pursuant to article twelve of this chapter and for which the valuation date is the first day of January of each applicable year. In the event that a market value survey has not been completed based upon each such valuation date, the commissioner shall determine the ratios in the following manner:

(a) compute the ratios of assessed valuation to the full valuation of taxable real estate on the basis of market value surveys completed pursuant to article twelve of this chapter;

(b) on the basis of the ratios computed pursuant to subdivision (a) of this section, project increases or decreases in the ratios for years for which the information has not been developed pursuant to article twelve of this chapter;

(c) avail itself of appropriate market value information appearing in its office or acquired in the discharge of its duties pursuant to this chapter.

§ 1263. Notice of determination of tentative ratios and opportunity to be heard. Not later than ninety days prior to the ensuing fiscal year of the city school district, the state board of real property tax services shall provide written notice of the determination of tentative ratios pursuant to this article to the board of education of each city school district. The notice shall set forth the tentative ratios, identify the assessment rolls for which the ratios were determined and shall specify the time and place where the state board of real property tax services or a duly authorized representative thereof will meet to hear objections presented by the appropriate board of education concerning such ratios. The notice must be served at least ten days before the date specified for the hearing. After hearing any objections, the state board of real property tax services shall determine final ratios for the appropriate assessment rolls in accordance with the provisions of this article. The board of education is hereby authorized and empowered to waive the hearing with respect to such tentative ratios.

§ 1264. Certification of final ratios. Upon determination of final ratios pursuant to this article, the commissioner shall file a

certificate with the board of education setting forth the final ratios and identifying the assessment rolls for which each is established. A duplicate certificate shall be filed in the office of the state comptroller.

ARTICLE 13

SPECIAL PROVISIONS RELATING TO SCHOOL DISTRICTS

- Section 1300. Definitions.
- 1302. Use of city, town or county assessment roll.
 - 1304. Apportionment of assessments.
 - 1306. Levy of taxes.
 - 1306-a. Effect of school tax relief (STAR) exemption upon school district taxes; state aid.
 - 1308. Property subject to levy.
 - 1312. Tax lien.
 - 1314. Equalization in school districts located in more than one city or town.
 - 1316. Alternative school tax apportionment.
 - 1318. Collecting officer's warrant; delivery thereof.
 - 1320. Undertaking of collecting officer.
 - 1322. Collecting officer's notice in districts other than city school districts.
 - 1324. Collecting officer's notice in city school districts.
 - 1325. Collecting officer in school district; third party notification notice.
 - 1326. Payment of taxes in installments in city school districts.
 - 1326-a. Payment of taxes in installments in certain school districts.
 - 1326-b. Payment of taxes in installments in certain school districts affected by floods or natural disasters.
 - 1327. Payment of taxes in installments in city school districts by senior citizens and physically disabled persons.
 - 1328. Collecting officer's fees; interest.
 - 1330. Enforcement of taxes in districts other than city school

districts.

- 1332. Enforcement of taxes in city school districts.
- 1334. Right of action to recover tax.
- 1335. Supplemental assessment roll of real property in a school district other than a school district which is wholly or partly within a city.
- 1336. Collection of taxes in installments in school districts other than city school districts; method of election; certification.
- 1338. Statement of taxes to be mailed.
- 1340. Owner of real property may elect to pay school district taxes in installments.
- 1342. Payment by county treasurer.

§ 1300. Definitions. As used in this article:

1. The term "city school district" shall mean a school district to which article fifty-one of the education law is applicable.
2. The term "city" shall mean a city (a) which is co-terminous with a city school district or (b) in which a city school district is wholly or partly located.

§ 1302. Use of city, town or county assessment roll. 1. For the purpose of the levy and collection of school taxes, the valuations of real property shall be ascertained from the latest final assessment roll of the city or town; provided, however, that the school authorities of a city school district of a city located in a county which prepares a county assessment roll may, in its discretion, ascertain such valuations of real property located inside and outside the city either from the city assessment roll or from the county assessment roll; and in such case all references in this article to the city or town assessment roll or the powers and duties of officials charged with the preparation of such roll, shall be construed to apply also to the county assessment roll and the powers and duties of officials charged with its

preparation, in relation to real property located in such city school district.

2. The city or town assessors shall prepare for each school district wholly or partly within such city or town a duplicate of that part of the final assessment roll applying to such district. The city or town assessors shall deliver the appropriate portion of the final assessment roll to the school authorities of each school district within five days after the completion and certification or verification of such assessment roll. The expense of preparing and furnishing such duplicate portion of the assessment roll shall be a city, town or county charge, as the case may be, to be raised and collected as are other city, town or county charges; provided, however, that if such duplicate portion of the assessment roll is prepared for a city school district, the city or town concerned shall be entitled to be reimbursed by such city school district for the actual and necessary expense of preparing such duplicate portion of the assessment roll. In lieu of the duplicate copy of the appropriate portion of the assessment roll, upon agreement between the assessor and school authorities, the assessors may provide a data file, as that term is defined in section fifteen hundred eighty-one of this chapter, and a summary of the information contained therein, including the number of parcels, the total assessed value thereof, and the total taxable assessed value thereof. Nothing contained herein shall relieve the school authorities from full responsibility for ascertaining whether real property is within the school district boundaries.

3. Except as otherwise provided in subdivision four of this section, the taxable status date of the city, town or county, as the case may be, shall be controlling for school district purposes.

4. The school authorities of a school district co-terminous with or partly or wholly within a city may elect to confirm the school tax roll, except that portion thereof which sets forth the amount and rate of tax, for such school district in any year before the adoption of the budget or before a tax is voted for such year. In such event, the taxable status date of the city, town or county, as the case may be, shall be controlling for school district purposes. Upon such confirmation

thereof, the tax roll as so completed shall constitute the assessment roll of such school district.

§ 1304. Apportionment of assessments. Any person whose real property is assessed upon the school tax roll with the real property of another person as one parcel, may apply to the appropriate assessors for an apportionment of the assessment of such real property. The assessors shall thereafter apportion the assessment and shall notify the school authorities of such apportionment. The school authorities shall cause such apportionment to be made on the tax roll and the collecting officer shall thereafter separately receive the taxes as apportioned.

§ 1306. Levy of taxes. 1. Immediately after a tax shall have been voted by a district meeting for a purpose arising during the current school year, the school authorities shall levy it, make out the school tax roll therefor and annex thereto a warrant for its collection. Where a tax is voted at an annual school meeting for school purposes during the following school year, the school authorities shall prepare the school tax roll therefor and, on or before September first annex thereto a warrant for its collection. They may at the same time levy two or more taxes so voted, and any taxes they are authorized to raise without such vote, and make out one school tax roll and one warrant for the collection of all such taxes. They shall prefix to the school tax roll a heading showing for what purpose the different items of the tax are levied unless the tax is raised to meet the appropriations of the annual budget, in which event the tax roll shall show such information.

2. The provisions of subdivision one of this section shall apply to the levy of taxes by city school districts for the nineteen hundred ninety-seven--ninety-eight school year and thereafter, except where such provisions are inconsistent with this subdivision. In city school districts upon adoption of the budget for the following school year in accordance with section twenty-six hundred one-a of the education law, and the completion of the necessary assessment rolls of the city, town or county, as the case may be, the school authorities shall prepare or

cause to be prepared a school tax roll for the tax required to be levied as stated in such budget. Such authorities shall, not later than ninety days after the beginning of the fiscal year, confirm such school tax roll and annex thereto a warrant for the collection of such tax. Except as otherwise provided in section thirteen hundred twenty-six or section thirteen hundred twenty-seven of this chapter, the collecting officer shall be required to return such warrant within ninety days after the date of such confirmation.

3. In a school district in which in any fiscal year a resolution requiring supplemental assessment rolls is in effect as provided in section thirteen hundred thirty-five of this chapter, the school authorities shall levy fifty per centum of the amount of taxes required to be levied on or before the first day of September, as provided in this section, on the regular school tax roll for such fiscal year, and the remaining fifty per centum on or before the first day of March on the supplemental school tax roll for such fiscal year.

4. The warrant for the collection of taxes levied on the supplemental school tax roll shall be annexed thereto on or before the first day of March and shall contain appropriate directions for the collection of such taxes within collection periods corresponding to those for the collection of taxes levied on the regular school tax roll. Upon receipt of such warrant, the collecting officer shall give notice thereof as provided in section thirteen hundred twenty-two of this chapter, and the fees and interest provided in subdivisions one and two of section thirteen hundred twenty-eight of this chapter shall apply to the collection of taxes levied on the supplemental school tax roll.

5. Notwithstanding any provision of this section requiring annexation of a warrant, if a tax roll is prepared in machine readable form only, the annexation requirement shall be deemed satisfied if the warrant is filed as provided in section fifteen hundred eighty-four of this chapter.

§ 1306-a. Effect of school tax relief (STAR) exemption upon school

district taxes; state aid. 1. Levy of taxes; determination of taxes due. The amount of taxes to be levied for any school year shall be determined without regard to the fact that state aid will be payable pursuant to this section. In addition, the tax rate for any school year shall be determined as if no parcels were exempt from taxation pursuant to section four hundred twenty five of this chapter. However, the tax rate so determined shall be applied to the taxable assessed value of each parcel after accounting for all applicable exemptions, including the exemption authorized by section four hundred twenty-five of this chapter.

2. Tax savings. (a) (i) The tax savings for each parcel receiving the exemption authorized by section four hundred twenty-five of this chapter shall be computed by subtracting the amount actually levied against the parcel from the amount that would have been levied if not for the exemption, provided however, that for the two thousand eleven-two thousand twelve through two thousand eighteen-two thousand nineteen school years, the tax savings applicable to any "portion" (which as used herein shall mean that part of an assessing unit located within a school district) shall not exceed the tax savings applicable to that portion in the prior school year multiplied by one hundred two percent, with the result rounded to the nearest dollar; and provided further that beginning with the two thousand nineteen-two thousand twenty school year: (A) for purposes of the exemption authorized by section four hundred twenty-five of this chapter, the tax savings applicable to any portion shall not exceed the tax savings for the prior year, and (B) for purposes of the credit authorized by subsection (eee) of section six hundred six of the tax law, the tax savings applicable to any portion shall not exceed the tax savings applicable to that portion in the prior school year multiplied by one hundred two percent, with the result rounded to the nearest dollar. The tax savings attributable to the basic and enhanced exemptions shall be calculated separately. It shall be the responsibility of the commissioner to calculate tax savings limitations for purposes of this subdivision.

(ii) The tax savings applicable to a portion for the two thousand ten-two thousand eleven school year shall be determined by multiplying the exempt amount applicable to the portion for the two thousand ten-two

thousand eleven school year by the tax rate applicable to the portion for the two thousand ten-two thousand eleven school year, with separate calculations for the basic and enhanced exemptions.

(iii) Where a school tax rate was changed in the midst of the prior school year, an annualized school tax rate shall be used for this purpose. The annualized tax rate for this purpose shall be determined by calculating the average of the tax rates in effect at various times during the school year, weighted according to the length of time during which they were respectively applicable.

(b) A statement shall then be placed on the tax bill for the parcel in substantially the following form: "Your tax savings this year resulting from the New York state school tax relief (STAR) program is \$_____."

3. State aid. (a) The total tax savings duly provided by each school district pursuant to this section shall be a state charge, which shall be payable as provided herein.

(b) A school district seeking state aid pursuant to this section shall submit an application therefor to the commissioner. The application shall include such information as the commissioner shall require.

(c) Upon approving an application for state aid pursuant to this section, the commissioner shall compute and certify to the commissioner of education the amounts payable to the school district. Such state aid shall be payable upon the audit and warrant of the state comptroller from vouchers certified and approved by the commissioner of education, as provided by section thirty-six hundred nine-e of the education law, as applicable.

(d) The commissioner may audit an application for state aid pursuant to this section within one year after authorizing payment thereon. If the commissioner should discover that a school district has received a greater or lesser amount of such aid than it should have received, the commissioner shall so notify the school district, and shall cause the next payment of such aid to the school district to be adjusted accordingly.

(e) When an improperly granted exemption has been revoked in the manner provided by section four hundred twenty-five of this chapter, the aid payable to the school district pursuant to this section shall be reduced by the amount of the taxes attributable to the revoked

exemption.

4. Installment payments. When school taxes are payable in installments pursuant to law, the tax savings provided by this section shall be applied proportionally against the respective installments.

5. Untimely payment of taxes. (a) When taxes on a property receiving the exemption authorized by section four hundred twenty-five of this chapter are not paid in a timely manner, interest, penalties and any other applicable charges shall be imposed only against the balance due after the tax savings provided by this section have been deducted from the taxes owed.

(b) When a county, city or town is required by section thirteen hundred thirty or thirteen hundred thirty-two of this chapter, or by any other general or special law, to make a payment to a school district on account of unpaid school taxes, the tax savings provided by this section shall be deducted from the amount so payable.

6. When the commissioner determines, at least twenty days prior to the levy of school district taxes, that an advance credit of the personal income tax credit authorized by subsection (eee) of section six hundred six of the tax law will be provided to the owners of a parcel in that school district, he or she shall so notify the assessor, the county director of real property tax services, and the authorities of the school district, who shall cause a statement to be placed on the tax bill for the parcel in substantially the following form: "An estimated STAR check has been or will be mailed to you by the NYS Tax Department. Any overpayment or underpayment can be reconciled on your next tax return or STAR credit check."

Notwithstanding any provision of law to the contrary, in the event that the parcel in question had been granted a STAR exemption on the assessment roll upon which school district taxes are to be levied, such exemption shall be deemed null and void, shall be removed from the assessment roll, and shall be disregarded when the parcel's tax liability is determined. The assessor or other local official or officials having custody and control of the data file used to generate

school district tax rolls and tax bills shall be authorized and directed to change such file as necessary to enable the school district authorities to discharge the duties imposed upon them by this subdivision.

7. Inconsistent laws superseded. The provisions of this section shall apply to all school districts, notwithstanding any provision of law to the contrary.

§ 1308. Property subject to levy. Except as provided in section thirteen hundred ten of this chapter, school district taxes shall be levied by the school authorities upon all real property within the boundaries of the district which is not by law exempt from such taxation. Such taxes shall be levied against each parcel of such real property. In all cases the levy shall be deemed as against the real property itself. The name of the owner, last known owner or reputed owner shall be regarded as an aid to identify such parcel. A mistake in any such name shall not affect the validity of the levy against the parcel.

§ 1312. Tax lien. 1. School taxes shall become a lien as of the date and hour of the confirmation or final adoption of the school tax roll by the school authorities. Unpaid interest shall be included in and deemed part of the unpaid tax. Such taxes including such unpaid interest shall remain a lien until paid.

2. Priority and parity as between such tax liens and other tax liens shall be determined in the manner prescribed in title two of article nine of this chapter.

§ 1314. Equalization in school districts located in more than one city or town. 1. (a) When a school district is located in more than one city or town, the school authorities thereof may upon their own motion, and shall upon the timely written request of three or more persons liable to

pay taxes upon real property therein, secure from the latest final completed assessment rolls of each such city and town, a statement of the assessed valuation of each parcel of real property subject to taxation for school purposes in such school district and shall deliver such statement to the district superintendent having jurisdiction. Such district superintendent shall immediately secure from the commissioner of taxation and finance, a statement of the state equalization rate established by such commissioner for each such city and town in which such school district is situated and shall determine the full valuation of the real property of each part of a city or town included in such school district by dividing the taxable assessed valuation of such real property in such part of a city or town by the state equalization rate established for such city or town. For purposes of this subdivision "taxable assessed valuation" means the assessed value actually subject to taxation for school purposes except that it also includes the amount of assessed value partially exempt from taxation for school purposes pursuant to sections four hundred twenty-five, four hundred sixty and four hundred sixty-four of this chapter and such other sections of law as the school authorities designate by resolution to be included in the total assessed valuation.

(b) On or before the first day of October in each year, the district superintendent shall transmit to the commissioner of education and to the commissioner, in the form prescribed by it, a statement for the current fiscal year showing the taxable assessed valuation of real property of each city and town within the school district, the assessed valuation of such real property upon which the school tax has actually been levied, the state equalization rate or special equalization rate used to determine the apportionment of taxes, the full valuation of real property of each part of a city or town included in such school district, whether any school tax was apportioned pursuant to subdivision one-a of this section, and a list of the partial exemptions which the school authorities have by resolution adopted pursuant to this section, elected to include in the taxable assessed valuation of real property.

(c) The state equalization rate to be furnished by the commissioner shall be the rate established by the commissioner for the assessment roll on which school taxes are to be levied. When no state equalization rate has been established for such roll, the rate to be furnished shall

be the rate established for the assessment roll immediately preceding the roll on which taxes are to be levied provided, however, that where a special equalization rate has been determined as provided in subdivision two of this section, that special equalization rate shall be furnished to the district superintendent for the purpose of equalization pursuant to this section. Where the commissioner determines that a city or town has implemented a reassessment at full value on the current roll, it may establish a special equalization rate of one hundred for that city or town and establish special equalization rates for the other cities or towns within that school district by adjusting the latest state equalization rates for those cities or towns to the appropriate current roll. In all cases in any given school district the state equalization rates or special equalization rates to be furnished by the commissioner for the apportionment of taxes shall have the same full value standard. Where the commissioner furnishes the same state equalization or special equalization rate for two or more of the cities and towns in a school district for use by that school district in the apportionment of taxes, the commissioner shall concurrently therewith notify the school district that school taxes may be apportioned in the manner provided by subdivision one-a of this section.

(d) (i) Such district superintendent shall also determine what proportion of any tax to be levied in such school district for school purposes during the current school year shall be levied upon each part of a city or town included in such school district by dividing the sum of the full valuation of real property in such part of a city or town by the total of all such full valuations of real property in such school district. Provided, however, that prior to the levy of taxes, the governing body of the school district may adopt a resolution directing such proportions to be based upon the average full valuation of real property in each such city or town over either a three-year period, consisting of the current school year and the two prior school years, or over a five-year period, consisting of the current school year and the four prior school years. Once such a resolution has been adopted, the proportions for ensuing school years shall continue to be based upon the average full valuation of real property in each such city or town over the selected period, unless the resolution provides otherwise or is repealed.

(ii) Such proportions shall be expressed in the nearest exact ten thousandths and the school authorities of such school district shall levy such a proportion of any tax to be raised in the school district during the current school year upon each part of a city or town included in such school district as shall have been determined by the district superintendent. A new proportion shall be determined for each school year thereafter by the district superintendent in accordance with the provisions of this section by the use of the latest state equalization rates. In any such school district that is not within the jurisdiction of a district superintendent of schools, the duties which would otherwise be performed by the district superintendent under the provisions of this section, shall be performed by the school authorities of such district.

1-a. When the commissioner has furnished the same state equalization or special equalization rate for two or more of the cities and towns in a school district for use by that school district in the apportionment of taxes, the school district may apportion its levy as follows:

(a) The district superintendent shall determine the amount of school tax to be raised from each city and town in the district 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 school 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 taxation for school purposes plus the amount of assessed value partially exempt from taxation for school purposes pursuant to section four hundred twenty-five of this chapter.

2. If it is made to appear to the commissioner by a statement of the assessors of the city or town, subscribed and affirmed by them as true under the penalties of perjury, that there has been a change in the level of assessment since the last state equalization rate for the city or town was established, or, if it is made to appear to the commissioner

that the state equalization rate established by it for a city or town is inequitable as applied to real property within the school district in such city or town, it shall determine a special equalization rate for such city or town or for such real property, as the case may be, which shall be used for the sole purpose of equalization under this section. Such special equalization rate as finally determined shall be furnished by such commissioner to the district superintendent of schools or the school authorities, as the case may be.

3. (a) Upon his own motion or, prior to the statutory date for the levy of school district taxes on the next subsequent assessment roll, at the request of a person liable to pay taxes upon real property in the school district, a district superintendent who failed to use one or more state equalization rates furnished pursuant to this section, or who made a mathematical error in determining full value or in apportioning the tax on the basis of full value, shall redetermine the full valuation of the real property of each part of a city or town within the school district and the proportion of the tax which should have been levied in each city or town or part thereof based upon the corrected full valuation. If such redetermination cannot be made prior to the extension of taxes for that year, the district superintendent shall cause the school district tax levy for the following year to be adjusted to account for the improper apportionment which resulted from his error, upon notice to the commissioner and the commissioner of education; provided, however, that the school authorities by resolution may elect to adjust the tax levy in the current year notwithstanding a redetermination of full valuation after the extension of taxes for the current year.

(b) Within thirty days of the receipt of a request for such redetermination, the district superintendent shall report his findings and determination to the person who made such request. Such person may appeal an adverse determination of the district superintendent, upon application to the commissioner within sixty days of the mailing of the report of the district superintendent.

(c) Not later than thirty days after receipt of a request for review of a determination by the district superintendent, the commissioner, upon notice to the commissioner of education, shall determine whether

the district superintendent erred in his determination of full value or tax apportionment based thereon, for one or more of the reasons described in paragraph (a) of this subdivision. If the commissioner finds that such an error occurred, it shall issue an order, upon notice to the commissioner of education, directing the district superintendent to adjust the apportionment of the school district tax levy for the ensuing fiscal year to account for the improper apportionment which occurred as a result of the error of the superintendent.

(d) References herein to the district superintendent of schools shall be deemed to mean the school authorities of a school district which is not within the jurisdiction of a district superintendent of schools.

4. The provisions of this section shall apply to supplemental assessment rolls completed, verified and filed pursuant to section thirteen hundred thirty-five of this chapter, and the term "state equalization rate" as used in this section shall include the state equalization rate established for such supplemental assessment rolls pursuant to title one of article twelve of this chapter.

§ 1316. Alternative school tax apportionment. 1. Notwithstanding the provisions of section thirteen hundred fourteen of this article, a school district located in more than one city or town, which includes a designated large property, as determined by the commissioner of taxation and finance, may provide by annual resolution, adopted no later than ten days prior to the last day provided by law for the levy of school taxes, that school taxes to be levied for the fiscal year commencing July first of the same year shall be apportioned to each city or town or part thereof in accordance with the provisions set forth in this section.

2. A designated large property is real property consisting of one parcel on an assessment roll or multiple parcels on an assessment roll under common ownership that meet all of the following criteria:

(a) the large property constitutes five percent or more of the total assessed value used to establish the latest state equalization rate and constitutes five percent or more of the total assessed value of a school district segment of the city or town;

(b) the full value estimate of the large property used by the commissioner to establish the latest state equalization rate is at least five million dollars; and

(c) the percentage difference between the latest state equalization rate and the apportionment equalization rate computed pursuant to subdivision four of this section is at least five percent.

3. Within five days of the establishment of the latest final state equalization rate, the commissioner shall notify both the appropriate school district and the assessing unit of such designation. Such notice shall contain instructions for the apportionment of the tax levy in accordance with the provisions of subdivision seven of this section and shall contain an apportionment rate computed in accordance with subdivision four of this section.

4. The apportionment rate shall be the latest final state equalization rate, computed exclusive of the total assessed value or full value estimate of the designated large property.

5. If there is a change in level of assessment of two percent or more between the assessment roll for which the latest final state equalization rate is established and the assessment roll upon which the school tax is levied, then the apportionment rate for school purposes shall be adjusted by multiplying the apportionment rate by the change in level of assessment.

6. Within five days of receiving notification from the commissioner that a designated large property exists, the assessor shall certify to the school district the assessed value of the designated large property for the purpose of apportioning and levying taxes. A copy of such certificate shall also be provided to the commissioner.

7. The school district shall apportion and levy its taxes as follows:

(a) The tax shall be apportioned in accordance with the provisions of section thirteen hundred fourteen of this article.

(b) The amount of tax to be raised from the designated large property shall be determined by multiplying the appropriate assessed value tax

rate determined in accordance with paragraph (a) of this subdivision by the taxable assessed value of the designated large property within the school district. This shall be the amount of the tax levied upon the designated large property.

(c) The amount of tax for the large property determined in paragraph (b) of this subdivision shall be subtracted from the total amount of real property tax to be raised throughout the school district.

(d) The resulting tax levy from paragraph (c) of this subdivision shall be reapportioned among all other property within the taxing jurisdiction, exclusive of the designated large property. This reapportionment shall be done in accordance with section thirteen hundred fourteen of this article, except that:

(i) The assessed value of the designated large property shall be subtracted from the assessed value of the appropriate city or town segment used in the initial apportionment of the tax in paragraph (a) of this subdivision.

(ii) The apportionment rate shall be used for the city or town containing the designated large property.

(iii) For all cities and towns not containing the designated large property, the assessed values and equalization rates shall be the same amounts used in paragraph (a) of this subdivision.

(e) Separate assessed value tax rates will be determined for the designated large property and the other property within the city or town where the designated large property is located.

(f) In the event that there are multiple designated large properties within the school district, the amount of tax to be levied upon each large property, determined in paragraph (b) of this subdivision, shall be summed and treated as one amount for determining the amount of tax to be raised from the remaining property in paragraph (c) of this subdivision.

§ 1318. Collecting officer's warrant; delivery thereof. 1. The warrant of the collecting officer shall be signed by the trustee, or the trustees, or a majority of them, or the board of education or a majority thereof. Such warrant shall state the amount of unexpended surplus funds in the custody of the board and shall further state that except as

authorized or required by law, such unexpended surplus funds have been applied in determining the amount of the school tax levy. For the two thousand seven--two thousand eight school year, surplus funds as used in this subdivision shall mean any operating funds in excess of three percent of the current school year budget, and shall not include funds properly retained under other sections of law. For the two thousand eight--two thousand nine school year, and thereafter, surplus funds as used in this subdivision shall mean any operating funds in excess of four percent of the current school year budget, and shall not include funds properly retained under other sections of law. Such warrant shall have the same force and effect as a warrant issued by a board of supervisors to a collecting officer in a town. The collecting officer to whom it may be delivered for collection shall be thereby authorized and required to collect from every person named on such school tax roll the sum set opposite his name, or the amount due from any person specified therein, in the same manner and with the same powers that collecting officers in towns are authorized to collect taxes levied by the board of supervisors.

2. A warrant for the collection of a tax voted by the district shall not be delivered to the collecting officer until the thirty-first day after the tax was voted. A warrant for the collection of a tax authorized by law without a vote of the district may be delivered to the collecting officer whenever the same is completed.

3. If the sum of money, payable by any person or persons named in such school tax rolls, is not paid or collected by such warrant within the time therein limited, it shall be lawful for the school authorities to renew such warrant in respect to such delinquent person or persons. Whenever more than one renewal of a warrant for the collection of any school tax roll may become necessary in any district, the school authorities may make such further renewal; provided, however, that in no event shall such warrant be renewed for a period beyond the time for the return to the county treasurer as set forth in subdivision two of section thirteen hundred thirty of this chapter.

§ 1320. Undertaking of collecting officer. The undertaking or sureties of any collecting officer, given for the faithful performance of his official duties, shall be liable for any moneys received or collected on any school tax roll and warrant delivered to such collecting officer.

§ 1322. Collecting officer's notice in districts other than city school districts. 1. In each school district other than a city school district, upon the receipt of a warrant for the collection of taxes, the collecting officer shall cause a notice to be published in a newspaper, or two newspapers, if there be two, having general circulation in the school district stating that he has received such warrant and will receive all taxes which may be paid to him within one month from the time of the first publication thereof. Such notice shall be published at least twice and for such other times as the school authorities may direct; provided, however, that if there is no newspaper having general circulation in such district, such notice shall be posted immediately in at least twenty public places in such district. The collecting officer shall also, upon the receipt of the warrant, mail statements of taxes in the same manner as provided in section nine hundred twenty-two of this chapter for city and town collecting officers; provided, that where the school district has levied a tax for purposes of a public library established pursuant to section two hundred fifty-five of the education law or has levied a tax on behalf of a library district pursuant to special act, the amount of the taxes attributable to library purposes shall be separately stated on each statement of taxes; provided further, that where the school district is required to levy and collect taxes for free association libraries the amount of taxes attributable to library purposes shall be stated on a separate line on each statement of taxes. Upon resolution duly adopted by the authorities of the school district, the collecting officer shall cause to be enclosed with the statement showing the amount of tax due, a summary of the adopted budget and an explanation of the computation of the tax rate.

2. Such collecting officer shall also cause a like notice to be given, either personally or by mail, at least twenty days prior to the expiration of the one month collection period (a) to the president,

secretary, or other officer or managing agent of any railroad, telegraph, telephone, electric, gas, water or pipe line corporation liable for taxes on the school tax roll delivered to him and (b) to all non-resident taxpayers of the school district on such roll whose residence or address may be known to such collecting officer, or may be ascertained by him upon inquiry of the school authorities or clerk of the district.

3. No collecting officer shall be entitled to recover as his fee from any such corporation or non-resident taxpayer more than the one per centum fee on the taxes levied against the property of such corporation or non-resident, unless the notice provided for in subdivision two of this section has been given.

§ 1324. Collecting officer's notice in city school districts. Except as otherwise provided in section thirteen hundred twenty-six or section thirteen hundred twenty-seven of this chapter, the collecting officer of a city school district on receipt of a warrant for the collection of taxes, shall cause a notice to be published in a newspaper, or two newspapers, if there be two, having a general circulation in such city school district, stating that he has received such warrant and will receive all such taxes which may be paid to him within one month from the date of the first publication of such notice. The date upon which such warrant expires shall be specified in such notice. Such notice shall be published at least twice and for such other times as the school authorities may direct. The collecting officer shall also, upon the receipt of the warrant, mail statements of taxes in the same manner as provided in section nine hundred twenty-two of this chapter for city and town collecting officers; provided, that where the school district has levied a tax for purposes of a public library established pursuant to section two hundred fifty-five of the education law or has levied a tax on behalf of a library district pursuant to special act, the amount of the taxes attributable to library purposes shall be separately stated on each statement of taxes. Upon resolution duly adopted by the authorities of a city school district, the collecting officer shall cause to be enclosed with the statement showing the amount of tax due, a

summary of the adopted budget and an explanation of the computation of the tax rate.

§ 1325. Collecting officer in school district; third party notification notice. 1. The collecting officer shall further enclose with each statement of taxes described in sections one thousand three hundred twenty-two and one thousand three hundred twenty-four of this chapter a notice that any taxpayer who owns residential real property consisting of no more than three family dwelling units and who is age sixty-five or over or who is disabled is eligible for a third party notification procedure if desired. Such notice shall state that any eligible taxpayer wishing to participate in such procedure must designate an adult third party to receive notification, that the designated third party must consent to such notification, where the appropriate application form may be obtained, and that an application form must be filed with the collecting officer of the appropriate school district no later than a specific date, as chosen by resolution of the school authorities of such school district, which date shall be no earlier than sixty days prior to the levy of taxes by or on behalf of such school district. Duplicates of subsequent tax bills and notices of unpaid taxes shall be mailed to such third party until such time as the property owner or an administrator or executor of the estate of such property owner notifies the collecting officer in writing that third party procedure should cease or until such time as a change of ownership is indicated on the tax roll or the collecting officer receives notice of a change of ownership pursuant to section five hundred seventy-four of this chapter. The collecting officer shall mail an application form to any eligible taxpayer who requests the same and who includes a self-addressed, stamped envelope with such request.

2. The collecting officer, upon request by the landowner receiving the agricultural assessment, shall disclose the dollar value of the reduction in the tax liability attributable to land receiving such agricultural assessment.

§ 1326. Payment of taxes in installments in city school districts. 1.

(a) Notwithstanding any of the provisions of this chapter, the school authorities of a city school district may by resolution duly adopted prior to the annual tax levy in any year determine that thereafter and until such action be rescinded by the school authorities, any taxes levied by it upon real property situate within the school district may be paid in installments, not exceeding six, on or before such days within the fiscal year for which such taxes are to be levied, as may be prescribed by such resolution. The last such day shall not be later than the thirtieth day preceding the end of such fiscal year. Each installment shall be as nearly equal as possible.

(b) If the resolution so provides, each installment after the first installment shall include interest on the balance calculated from the date on which the first installment was due at the rate as determined pursuant to section nine hundred twenty-four-a of this chapter for each one month period, or part thereof, as defined in subdivision three of section thirteen hundred twenty-eight of this article until such installment is paid or until the return of the warrant by the collecting officer, whichever shall be the sooner. The amount of any such interest shall be included in and be deemed part of the amount of the unpaid tax. All taxes remaining unpaid after the return of the warrant by the collecting officer shall bear interest at the rate as determined pursuant to section nine hundred twenty-four-a of this chapter for each such one month period, or part thereof.

(c) Where such resolution does not provide for interest as authorized by paragraph (b) of this subdivision, if any installment of taxes is paid on or before the date when due, no interest shall be charged thereon; if not so paid, interest shall be added to the amount of any such installment at the rate as determined pursuant to section nine hundred twenty-four-a of this chapter for each one month period, or part thereof, as defined in subdivision three of section thirteen hundred twenty-eight of this article until such installment is paid or until the return of the warrant by the collecting officer, whichever shall be sooner. The amount of such interest shall be included in and be deemed part of the amount of the unpaid tax. All taxes remaining unpaid after the return of the warrant by the collecting officer shall bear interest at the rate as determined pursuant to section nine hundred twenty-four-a

of this chapter for each such one month period, or part thereof.

(d) Any such resolution shall state the number of installments, not exceeding six, and the respective dates upon which the taxes are to become payable. No installment may be paid unless all prior installments of current taxes, including interest, shall have been paid or shall be paid at the same time.

2. Whenever a resolution has been adopted pursuant to this section or section thirteen hundred twenty-seven of this article, the notice required to be given by the collecting officer shall state that taxes may be paid in installments as provided in the resolution. Warrants for the collection of taxes levied while such resolution continues in force shall contain appropriate directions for the collection of taxes in the manner specified in such resolution. Such warrant shall further command the collecting officer to whom the same is directed to return his warrant in the manner provided by this chapter within twenty days after the date on or before which the last installment of taxes must be paid.

3. Notwithstanding the foregoing provisions of this section, the school authorities of each such city school district shall have the power, by resolution duly adopted, to suspend the provisions of this section in relation to the rates of interest payable on school district taxes remaining unpaid on the respective installment dates. Upon the adoption of such a resolution, the rates of interest payable on unpaid city taxes in such city, according to law, shall be the rates of interest payable on school district taxes remaining unpaid on the respective installment dates. Such rates shall remain so applicable until such school authorities, by resolution duly adopted, terminate the period of suspension of such provisions of this section.

§ 1326-a. Payment of taxes in installments in certain school districts. 1. Notwithstanding any provisions of this chapter or any other general or special law to the contrary, a school district may, by resolution adopted by a two-thirds vote prior to the levy of taxes in any year, provide that thereafter and until such resolution is rescinded, every tax in excess of fifty dollars levied by the board

pursuant to law may be paid in three installments, the first of which shall be at least fifty percent of the total tax due, or such other amount as may be prescribed by such resolution, and shall be paid not later than the last day of the one month collection period prescribed by subdivision one of section thirteen hundred twenty-two or section thirteen hundred twenty-four of this article and, provided the first installment has been paid, the second shall be at least fifty percent of the remainder, or such other amount as may be prescribed by such resolution, plus interest at the rate as determined pursuant to section nine hundred twenty-four-a of this chapter, and shall be paid on or before the date specified in the resolution for the second payment, and the third shall be the remainder plus interest at the rate determined pursuant to section nine hundred twenty-four-a of this chapter and shall be paid on or before the date specified in the resolution for the expiration of the warrant.

2. When such a resolution is in effect in a school district, the collecting officer shall be authorized to receive such taxes until the date specified in the resolution for the payment of the second and third installments of taxes. The collecting officer shall be in attendance to receive the second and third installments of taxes at the same places and hours specified for the receipt of the first installment, at least three days in each week for the two weeks preceding the final date for payment of the second and third installments. In the event that the first installment of any tax is not paid within the time specified, the collecting officer may receive the same at any time until the expiration of his warrant with interest as determined pursuant to section nine hundred twenty-four-a of this chapter for the month of October and each month or fraction thereof until paid. The collecting officer's warrant and notice of receipt thereof shall be conformed in accordance with this section.

3. At the expiration of his warrant, the collecting officer shall make a return of unpaid taxes in the same manner as provided in section one thousand three hundred thirty of this chapter.

4. An installment program adopted pursuant to this section shall apply

to all property within the school district, unless it is explicitly limited to one or more of the following classes of property:

(a) property which is improved by a one, two or three family structure used exclusively for residential purposes;

(b) property which is exempt from taxation pursuant to section four hundred sixty-seven of this chapter; or

(c) property which is exempt from taxation pursuant to section four hundred fifty-nine of this chapter, or which is owned and occupied by a person or persons who qualify as physically disabled pursuant to such section.

§ 1326-b. Payment of taxes in installments in certain school districts affected by floods or natural disasters. 1. Notwithstanding any provisions of this chapter or any other general or special law to the contrary, a school district which is wholly or partially contained within a county which has been included in a federal disaster declaration may, by resolution in any year during which a flood or other natural disaster occurs in the six months preceding the due date for school taxes, provide that every tax in excess of fifty dollars levied by the board pursuant to law may be paid in installments in amounts and dates specified in the resolution. Such resolution shall apply only for one year; provided that nothing shall preclude the adoption of additional such authorizations if subsequent disasters occur.

2. When such a resolution is in effect in a school district, the collecting officer shall be authorized to receive such taxes until the date specified in the resolution for the payment of taxes. The collecting officer shall be in attendance to receive the installments of taxes at the same places and hours specified for the receipt of the first installment, at least three days in each week for the two weeks preceding the final date for payment of the installments. In the event that the first installment of any tax is not paid within the time specified, the collecting officer may receive the same at any time until the expiration of his warrant with interest as determined pursuant to section nine hundred twenty-four-a of this chapter until paid. The collecting officer's warrant and notice of receipt thereof shall be

conformed in accordance with this section.

3. At the expiration of his warrant, the collecting officer shall make a return of unpaid taxes in the same manner as provided in section thirteen hundred thirty or section thirteen hundred thirty-two of this article, as applicable.

5. A school district is authorized to refund to taxpayers any portions previously paid by taxpayers if the school board adopts a resolution to that effect, which establishes an installment payment schedule. If such resolution is adopted, then any taxpayer having paid all or a portion of their tax payment shall be entitled to such refund upon entering into an agreement with the school district for the payment of their taxes according to the schedule adopted by the school district. Any unpaid taxes shall be timely paid if the payment otherwise comports with the resolution schedule adopted by the school district.

§ 1327. Payment of taxes in installments in city school districts by senior citizens and physically disabled persons. 1. Notwithstanding any of the provisions of this chapter, the school authorities of a city school district may by resolution duly adopted prior to the annual tax levy in any year determine that thereafter and until such action be rescinded by the school authorities, any taxes on real property which is used as the principal residence of and owned by one or more persons, either or both of whom have received an exemption pursuant to section four hundred sixty-seven of this chapter related to such property, levied by it upon real property situate within the school district may be paid in installments, not exceeding six, on or before such days within the fiscal year for which such taxes are to be levied, as may be prescribed by such resolution. The last such day shall not be later than the thirtieth day preceding the end of such fiscal year. Each installment shall be as nearly equal as possible. Any such resolution shall state the number of installments, not exceeding six, and the respective dates upon which the taxes are to become payable. No installment may be paid unless all prior installments of current taxes, including interest, shall have been paid or shall be paid at the same

time.

2. The privilege of paying any such tax in installments, once granted and unless rescinded as set forth in this section, shall not be terminated solely because of the death of the older spouse so long as the surviving spouse is at least sixty-two years of age.

3. Notwithstanding any of the provisions of this chapter, the school authorities of a city school district may by resolution duly adopted prior to the annual tax levy in any year determine that thereafter and until such action be rescinded by the school authorities, any taxes on real property which is used as the principal residence of and owned by one or more persons, either or both of whom qualifies as physically disabled pursuant to section four hundred fifty-nine of this chapter, levied by it upon real property situate within the school district may be paid in installments, not exceeding six, on or before such days within the fiscal year for which the taxes are to be levied, as may be prescribed by such resolution. The last such day shall not be later than the thirtieth day preceding the end of such fiscal year. Each installment shall be as nearly equal as possible. Any such resolution shall state the number of installments, not exceeding six, and the respective dates upon which the taxes are to become payable. No installment may be paid unless all prior installments of current taxes, including interest, shall have been paid or shall be paid at the same time.

4. The privilege of paying any such tax in installments, once granted and unless rescinded as set forth in this section, shall not be terminated solely because of the death of the disabled spouse so long as the surviving spouse has not remarried.

§ 1328. Collecting officer's fees; interest. 1. Except as otherwise provided in subdivision two of this section and except in city school districts, the collecting officer shall receive for his services on all sums paid to him within the one month collection period provided in section thirteen hundred twenty-two of this chapter one per centum, and

upon all sums collected by him thereafter, five per centum. In case a levy and sale is made by such collecting officer, he shall be entitled to traveling expenses at the rate of ten cents per mile to be computed from the principal school building in such district.

2. In a school district in which the collecting officer receives a fixed compensation in lieu of fees under the provisions of subdivision four of section twenty-one hundred thirty of the education law, all taxes remaining unpaid after the expiration of the one month period prescribed by subdivision one of section thirteen hundred twenty-two of this chapter shall bear interest at the rate as determined pursuant to section nine hundred twenty-four-a of this chapter for such one month period and for each one month period or part thereof thereafter until paid or until the return of the collecting officer's warrant. In the case of a tax paid to the county treasurer under subdivision six of section thirteen hundred thirty of this chapter, before levy, the amount of such interest shall be in lieu of the five per centum of the tax provided for in such section, and the amount of such interest shall be included in and be deemed part of the amount of the unpaid tax for purposes of payments to the district from the county treasurer and for computing the additional percentage to be levied by the board of supervisors, pursuant to subdivisions four and five of section thirteen hundred thirty of this chapter. All interest collected by the collecting officer upon school taxes under the provisions of this chapter shall belong to the school district and shall be paid into the school district funds.

3. In a city school district all taxes remaining unpaid after the expiration of the one month period stated in section thirteen hundred twenty-four of this chapter shall bear interest at the rate as determined pursuant to section nine hundred twenty-four-a of this chapter for such one month period and for each one month period or part thereof thereafter until paid or until the return of such warrant by the collecting officer. The amount of such interest shall be included in and be deemed part of the amount of the unpaid tax. All taxes remaining unpaid after the return of the warrant shall bear interest at the rate as determined pursuant to section nine hundred twenty-four-a of this

chapter for each such one month period, or part thereof. Notwithstanding the foregoing provisions of this subdivision, the school authorities of any such city school district shall have the power, by resolution duly adopted, to suspend the provisions of this subdivision in relation to the rates of interest payable on school district taxes remaining unpaid after the expiration of the one month period stated in section thirteen hundred twenty-four of this chapter. Upon the adoption of such a resolution, the rates of interest payable on unpaid city taxes in such city, according to law, shall be the rates of interest payable on school district taxes remaining unpaid after the expiration of such one month period. Such rates shall remain so applicable until such school authorities, by resolution duly adopted, terminate the period of suspension of such provisions of this subdivision.

§ 1330. Enforcement of taxes in districts other than city school districts. 1. In any school district other than a city school district, if any taxes remain unpaid at the time the collecting officer is required by law to return his warrant, he shall be credited with the amount thereof, including the balance of the amount of taxes which an owner of real property has elected to pay in installments pursuant to section thirteen hundred forty of this chapter, upon delivery to the school authorities of the tax roll and warrant and a statement, subscribed and affirmed by him as true under the penalties of perjury, of such unpaid taxes, containing a description of the real property upon which such taxes remain unpaid. A collecting officer who received compensation in lieu of fees shall include in such statement the amount of interest on such unpaid taxes, except that no such interest shall be added by the collecting officer to the balance of taxes which an owner of real property has elected to pay in installments pursuant to section thirteen hundred forty of this chapter.

2. Upon receiving such statement from the collecting officer, the school authorities shall compare it with the original school tax roll, and if they find it to be correct, they shall add to such statement their certificate to the effect that they have compared it with the original school tax roll and found it to be correct, and shall

immediately transmit the statement and certificate to the treasurer of the county. Such statement and certificate shall be transmitted to the county treasurer so that the same shall be received by him not later than the fifteenth day of November following the levy of the tax.

3. Within fifteen days after any school tax roll and warrant have been returned by a collecting officer to the school authorities, they shall deliver the same to the school district clerk. The school district clerk shall file the same in his office; provided, however, that in school districts under the jurisdiction of a district superintendent of schools the school authorities shall deliver such school tax roll and warrant after its return by a collecting officer to the district superintendent who in turn shall deliver the same to the school district clerk, on or before July first of each year. Any school tax rolls previously delivered to and filed by a town clerk shall be turned over to and filed by the school district clerk. A copy of the school tax roll shall be permanently retained as a public record.

4. The county treasurer shall, on or before the first day of April following the receipt of the statement and certificate as provided in subdivision two of this section, pay to the officer charged by law with the custody of school district moneys, the amount of returned unpaid school taxes, not including the amount of taxes paid pursuant to section thirteen hundred forty-two of this chapter.

5. Such statement and certificate shall be transmitted by the county treasurer to the board of supervisors, who shall cause the amount of such unpaid taxes with seven per centum of the amount of principal and interest in addition thereto, to be relieved upon the real property upon which the same were imposed, except that in a school district in which there is a resolution in effect pursuant to section thirteen hundred thirty-six or section thirteen hundred thirty-seven of this chapter, the amount of taxes which an owner of real property has elected to pay in installments pursuant to section thirteen hundred forty of this chapter shall not be relieved at such time, but the amount of such taxes as shall have remained unpaid after the date upon which the last installment was due, including the seven per centum as hereinabove

provided, shall be relieved at the annual levy for county and town purposes following such last due date. When collected, the same shall be returned to the county treasurer to reimburse the county for the amount so advanced, with the expenses of collection.

6. Any person whose real property is included in any such statement may pay the amount of taxes levied thereon, with five per centum added thereto, to the county treasurer, at any time before the board of supervisors shall have directed the same to be relieved, except as otherwise provided in subdivision two of section thirteen hundred twenty-eight of this chapter in relation to the payment of interest in lieu of such five per centum.

7. The same proceedings in all respects shall be had for the collection of the amount so directed to be raised by the board of supervisors as are provided by law in relation to the county taxes.

§ 1332. Enforcement of taxes in city school districts. 1. As used in this section the term "city tax enforcement officer" shall mean the officer charged by law with enforcing the collection of delinquent city taxes.

2. The collecting officer of each city school district shall make and deliver to the school authorities thereof his statement of unpaid taxes, subscribed and affirmed by him as true under the penalties of perjury, in the same manner and with the same effect as provided in subdivision one of section thirteen hundred thirty of this chapter, except that the city school district and the collecting officer may agree to have the school tax roll remain in the temporary custody of such collecting officer until all taxes listed therein have been collected. If so agreed, the collecting officer shall furnish an accurate statement, subscribed and affirmed by him as true under the penalties of perjury, of the total amount received in payment of such taxes, together with an itemized statement of all uncollected taxes, in lieu of delivery of the items required by subdivision one of said section thirteen hundred thirty.

3. Upon receiving the statement referred to in subdivision two of this section from the collecting officer, the school authorities shall compare or cause to be compared such statement with the original school tax roll, and if it be found to be correct, they shall add to such statement their certificate to the effect that they have compared it, or caused it to be compared, with the original school tax roll and that it was found to be correct. Within twenty days after the receipt of any such statement, the school authorities shall transmit the statement and certificate as follows:

(a) If such account pertains solely to unpaid taxes levied on real property within the boundaries of the city, such statement and certificate shall be transmitted to the city tax enforcement officer.

(b) If such statement pertains solely to unpaid taxes levied on real property outside the boundaries of the city, such statement and certificate shall be transmitted to the county treasurer.

(c) If such statement pertains to unpaid taxes levied on real property located both within and outside of the boundaries of the city, the statement and certificate shall be transmitted to the city tax enforcement officer and certified copies thereof also shall be transmitted to the county treasurer.

4. All school tax rolls and warrants, within twenty days after their return by a collecting officer, shall be filed in the office of the clerk of the city school district, unless the same have been retained by the tax enforcement officer pursuant to agreement, as provided in subdivision two of this section, in which event the statements therein specified shall be filed in the office of the clerk of the city school district. Whenever all the taxes shown on any school tax roll have been fully paid or discharged, such tax roll shall be placed in the custody of the clerk of such city school district. A copy of the school tax roll shall be permanently retained as a public record.

5. The city tax enforcement officer shall proceed to enforce collection of such unpaid taxes as were levied upon real property within the boundaries of the city in the same manner and at the same time as though such unpaid taxes were city taxes, with five per centum of the

amount of the principal and interest added thereto. The county treasurer shall proceed to enforce collection of such unpaid taxes as were levied upon real property outside the boundaries of the city in the same manner and at the same time as though such unpaid taxes were county taxes, with five per centum of the amount of principal and interest added thereto. The city tax enforcement officer, or the county treasurer, or both, as the case may be, shall pay over to the treasurer of the school district at least once each month all moneys realized from such collection of such unpaid taxes, including interest, provided that the city tax enforcement officer, or the county treasurer, or both, as the case may be, shall retain the additional five per centum of the amount of principal and interest, which amount shall be paid to the city or the county, as the case may be. In the event that the city or the county shall bid in or shall be deemed to have bid in any real property or tax lien at any sale of such property or such tax lien on account of any of such unpaid taxes, or in the event that within two years after the return of the statement of unpaid taxes no tax sale on account of any such unpaid taxes was held, the city tax enforcement officer or other appropriate city officer, or the county treasurer, as the case may be, shall pay over to the treasurer of the school district the amount of such unpaid taxes, including interest, for which such property or such tax lien was sold, or would have been sold if a tax sale were held in accordance with law, after deducting therefrom the additional five per centum of the principal of and interest on such unpaid taxes.

The provision of this subdivision, relating to payment by a city or county to the treasurer of a city school district of the amount of unpaid tax, shall not be applicable with respect to unpaid taxes on any property during the period the enforcement of which is restrained or prohibited by an order of a court of competent jurisdiction.

§ 1334. Right of action to recover tax. Whenever any tax payable by any person or corporation named on such school tax roll is not paid within the time specified in the warrant or in any renewal thereof, the school authorities may sue for and recover the same.

§ 1335. Supplemental assessment roll of real property in a school district other than a school district which is wholly or partly within a city. 1. Request for supplemental assessment roll for school purposes. Notwithstanding any provisions of this chapter or of any other law, on or before the first day of August of each year the school authorities of a school district, other than a school district which is wholly or partly within a city, may request the preparation and completion of a supplemental assessment roll of real property taxable for school purposes within the boundaries of such school district. Such request shall be made by resolution of the school authorities and a copy thereof shall be transmitted to the commissioner and the governing board of each county and town within which such school district is wholly or partly located on or before the first day of August. Upon receipt of such resolution the governing board of such town shall direct the assessors thereof to prepare and complete a supplemental assessment roll, as hereinafter provided, of real property in such town taxable for school purposes which is located within the boundaries of such school district. Such resolution shall remain in effect until revoked on or before the first day of August in any subsequent year, and notice of its revocation shall forthwith be given to the commissioner and the governing board of each county and town within which such school district is wholly or partly located.

2. Taxable status date. The taxable status of real property for the supplemental assessment roll shall be determined as of the first day of November and all real property on such supplemental assessment roll shall be assessed according to its condition and ownership as of such date.

3. Tentative completion of supplemental assessment roll, notice thereof. On or before the first day of December the assessors of such town shall complete the supplemental assessment roll and shall forthwith give notice thereof as provided in subdivisions one and two of section five hundred six of this chapter, except that such notice shall state that the said supplemental assessment roll may be seen and examined by any person until the third Tuesday of December on which day the board of

review shall meet to hear complaints in relation to the assessments thereon. All changes in such supplemental assessment roll made as a result of the hearing of such complaints shall be entered on such roll on or prior to the fifteenth day of January thereafter.

4. Notice of increased assessments. Between the first and fifth day of December in each year, the assessors in such town shall mail to each owner of real property therein within the school district a notice of any increase in the assessment thereof. Such notice shall specify each parcel of real property, the assessed valuation thereof on the supplemental assessment roll and on the regular assessment roll delivered to the school authorities pursuant to section thirteen hundred two of this chapter in the same fiscal year, and the net increase in the assessment. Failure to mail any such notice or failure of the owner to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on such real property.

5. Hearing of complaints. At the time and place and during the hours specified in the notice given pursuant to the provisions of subdivision three of this section, the board of review shall meet to hear complaints in relation to assessments brought before it. The provisions of section five hundred twelve of this chapter shall apply to the hearing and determination of complaints in relation to assessments on the supplemental assessment roll.

6. Verification of supplemental assessment roll. When the supplemental assessment roll has been corrected after the hearing and determination of all complaints as provided in this section, the assessors shall verify the supplemental assessment roll, as provided in section five hundred fourteen of this chapter.

7. Completion of supplemental assessment roll. On or before the first day of February, the assessors shall finally complete the supplemental assessment roll and prepare and file a certified copy thereof in the office of the town clerk. The assessors shall forthwith cause a notice to be published once in the official newspaper of such town, or, if no newspaper has been designated the official newspaper, in a newspaper

having general circulation in such town, stating that the supplemental assessment roll has been finally completed and a certified copy thereof so filed for public inspection. The assessors shall also cause a copy of the published notice to be posted on the signboard maintained for the posting of legal notices at the entrance of the town clerk's office pursuant to subdivision six of section thirty of the town law.

8. Delivery to school authorities. On or before the first day of February the assessors shall deliver the original supplemental assessment roll to the school authorities. A certified copy of such supplemental assessment roll shall remain on file in the office of the town clerk until the first day of March. On that day, such copy shall be delivered to the county treasurer.

9. Tax lien. School taxes levied on the supplemental school tax roll shall become a lien as of the date and hour of the confirmation or final adoption of the supplemental school tax roll by the school authorities. Unpaid interest shall be included in and deemed part of the unpaid tax. Such taxes including such unpaid interest shall remain a lien until paid. Priority and parity as between such tax liens and other tax liens shall be determined in the manner prescribed in title two of article nine of this chapter.

10. Expenses of preparing supplemental assessment roll, of collection of taxes and of county indebtedness on account of unpaid taxes. All actual and necessary expenses incurred in the preparation of the supplemental assessment roll or assessment rolls as provided in this section, in the collection of taxes on the supplemental school tax roll by a town and as a result of indebtedness contracted by a county in meeting the payments required to be made on or before the fifteenth day of June pursuant to subdivision thirteen of this section, shall be a charge against the school district which has requested the supplemental assessment roll or assessment rolls.

11. Determination of railroad ceilings, special franchise assessments, transition assessments and the approval of assessments of taxable state lands for the supplemental assessment roll. Where a resolution requiring

a supplemental assessment roll is in effect as provided in this section, the commissioner shall determine for such supplemental assessment roll, railroad ceilings, special franchise assessments and transition assessments and shall approve assessments of taxable state lands as provided in this chapter except as otherwise provided in this subdivision. The railroad ceilings, special franchise assessments, transition assessments and the approved assessments of taxable state land for such supplemental assessment roll shall be the same as those determined and approved for the regular assessment roll of the town which was used in the levy of taxes for school purposes for the same fiscal year for which such supplemental assessment roll is to be used, except (a) with respect to railroad ceilings, if a special equalization rate was established pursuant to subdivision two of section four hundred eighty-nine-1 of this chapter, such special equalization rate shall be applied as provided in such section, and (b) with respect to transition assessments and the approval of assessments of taxable state lands, a change in the level of assessment on the supplemental assessment roll shall be taken into account. As used in this subdivision the term "change in the level of assessment" shall have the same meaning as such term is defined in subdivision two of section four hundred eighty-nine-1 of this chapter. The commissioner shall determine the railroad ceilings, special franchise assessments, transition assessments and approve the assessments of taxable state lands for the supplemental assessment roll within the time limitations corresponding to those provided in this chapter for determining and approving the same for the regular assessment roll.

12. Return of unpaid taxes; payment to county treasurer. The return of unpaid taxes levied on the supplemental school tax roll shall be made, and the statement and certificate of such unpaid taxes shall be transmitted, as provided in subdivisions one and two of section thirteen hundred thirty of this chapter, respectively, except that such statement and certificate shall be transmitted so that the same shall be received by the county treasurer no later than the fifteenth day of May following the levy of the tax. Any person whose real property is included in such statement may pay the taxes thereon to the county treasurer as provided in this subdivision. In case of taxes paid to the county treasurer

within thirty days from the date of receipt of the statement and certificate of unpaid taxes by the county treasurer, the amount of interest provided by subdivision two of section thirteen hundred twenty-eight of this chapter shall be added thereto, and the amount of such interest shall be deemed a part of the amount of the unpaid taxes for purposes of payments to the school district from the county treasurer and for computing the additional percentage and interest, pursuant to subdivision thirteen and fourteen of this section, respectively. In case of payment to the county treasurer after the expiration of the thirty days from the date of receipt of such statement and certificate of unpaid taxes, the seven per centum and the interest provided by subdivision fourteen of this section shall be added to such unpaid taxes.

13. Payment by county treasurer. The county treasurer shall, on or before the fifteenth day of June following the receipt of the statement and certificate of unpaid taxes, pay to the officer charged by law with the custody of school district moneys the amount of returned unpaid school taxes. The moneys to meet such payment shall be provided from moneys not otherwise appropriated or committed, from moneys appropriated for a contingent fund or pursuant to the local finance law.

14. Enforcement of taxes levied on supplemental school tax roll. Upon the expiration of thirty days from the date of receipt by the county treasurer of the statement and certificate of taxes levied on the supplemental school tax roll returned as unpaid, the county shall, by operation of law, acquire all rights, powers and duties with respect to the enforcement of such unpaid taxes as if the same had been levied by the board of supervisors. Such unpaid taxes shall not be relieved, but shall be enforced by tax sale at the same time and in the same manner as unpaid county taxes. Upon the expiration of such thirty days, the county treasurer shall forthwith add seven per centum to the amount of the unpaid taxes and the interest thereon, and the seven per centum shall be deemed a part of the amount of the unpaid taxes. The amount of such unpaid taxes including the seven per centum added thereto shall bear interest at the rate as determined pursuant to section nine hundred twenty-four-a of this chapter for each month or fraction thereof. The

amount of taxes with the interest and penalties added thereto which is collected by the county treasurer after the expiration of the thirty days from the date of receipt of the statement and certificate of unpaid taxes, shall belong to the county to reimburse the county for the amount advanced, with the expenses of collection.

15. This section shall apply to school districts within the county of Nassau, other than a school district wholly or partly within a city, provided that the powers and duties imposed on town assessors, school authorities and other officials named in this section shall be exercised and performed in the county of Nassau by the appropriate officer or board, including the county board of assessors, normally performing the same duties pursuant to the Nassau County Government Law, the Nassau County Administrative Code and other applicable laws of the county of Nassau and provided further that the taxable status date for supplemental assessment roll purposes shall be November 1 annually and that the sequence of events and dates to be applied for the preparation and completion of the supplemental assessment roll, review of assessments and levy of taxes shall have the same intervals as those between the dates regularly employed for purposes of the assessment and taxation of real property as set forth in the Nassau County Government Law, the Nassau County Administrative Code and any other applicable laws of the county of Nassau.

16. This section shall apply to school districts within the county of Suffolk, other than a school district wholly or partly within a city, provided that the powers and duties imposed on town assessors, school authorities and other officials named in this section shall be exercised and performed in the county of Suffolk by the appropriate officer, board, or other competent authority, normally performing the same duties pursuant to the Suffolk county tax act and other applicable laws of the county of Suffolk and provided further that the taxable status date for supplemental assessment roll purposes shall be November first annually and that the sequence of events and dates to be applied for the preparation and completion of the supplemental assessment roll, review of assessments and levy of taxes shall have the same intervals as those between the dates regularly employed for the purposes of assessment and

taxation of real property as set forth in Suffolk county tax act and any other applicable laws of the county of Suffolk.

17. Application of other provisions of this chapter. The provisions of this chapter which are not inconsistent with the provisions of this section shall apply to the supplemental assessment roll, the levy and collection of taxes on the supplemental school tax roll and the enforcement of unpaid taxes thereon.

§ 1336. Collection of taxes in installments in school districts other than city school districts; method of election; certification. 1.

Notwithstanding any of the provisions of this chapter or any other general, special or local law to the contrary, upon the enactment of a local law by a county pursuant to section nine hundred seventy-two of this chapter, the school authorities of a school district, other than a city school district, may determine that thereafter and until such action be duly rescinded, any taxes in excess of fifty dollars levied by it upon any parcel of real property within such county situated within the school district, may be paid in installments as provided in such local law.

2. The determination pursuant to subdivision one of this section or section thirteen hundred thirty-seven of this article shall be made by resolution of the school authorities prior to the annual meeting of the school district, and when such resolution shall have been adopted, it shall be certified by the clerk of the school district to the clerk of the board of supervisors on or before the first day of August following such annual district meeting. Such resolution may be rescinded prior to any annual meeting of such school district following the adoption thereof.

3. Whenever a resolution has been adopted pursuant to this section, the notice required to be given by the collecting officer pursuant to section thirteen hundred twenty-two of this chapter shall state that taxes may be paid in installments as provided in such local law. Warrants for the collection of taxes levied while such resolution

continues in force shall contain appropriate directions for the collection of taxes in the manner specified in such local law.

§ 1338. Statement of taxes to be mailed. 1. Upon receipt of the tax roll and warrant, the collecting officer shall mail to each owner of property listed thereon, a statement of taxes as provided by law.

2. Such statement shall recite that such owner may elect, pursuant to section thirteen hundred forty of this article, to pay the taxes set forth in the statement in installments as provided in the local law enacted by the county pursuant to section nine hundred seventy-two of this chapter.

In addition, such statement shall clearly disclose the due dates for payment of such installments without interest and penalties.

§ 1340. Owner of real property may elect to pay school district taxes in installments. 1. Upon receipt of the statement of taxes, any owner of real property may elect to pay the total amount of the taxes set forth in such statement without regard to this section; or he may elect to pay such taxes in installments as provided in the local law enacted pursuant to section nine hundred seventy-two of this chapter.

2. If the owner is eligible to participate in the installment program, and elects to do so, he or she shall pay to the collecting officer the amount set forth in such statement and designated as "first installment". The amount of each succeeding installment shall be paid to the county treasurer on or before the date specified in such local law.

3. If any such installment is not paid on or before the date when due, interest shall be added to the amount of any such installment at the rate as determined pursuant to section nine hundred twenty-four-a of this chapter, or such other law as may be locally applicable, for each one month or part thereof until paid. No such installment may be paid

unless all prior installments of current taxes, including interest, shall have been paid or shall be paid at the same time.

4. The owner of real property who elects to pay taxes in installments as provided in this section shall indicate his election by remitting the amount of the first installment to the collecting officer on or before the date upon which it is due or not later than within five days thereafter; provided, however, that in the event the amount of the first installment is paid after the date upon which it was due, the interest rate set forth in subdivision three of this section shall apply.

5. The failure or neglect by an owner of real property to pay the first installment as provided in subdivision four of this section, shall be construed as an election by such owner to pay the total amount of such taxes in one payment in the manner provided by law.

6. Upon the expiration of the time for the payment of the first installment as provided in subdivision four of this section, the collecting officer shall make and deliver to the county treasurer a list of the names of the owners of real property who have paid the amount of the first installment to such collecting officer. The form of such list shall be prescribed and furnished by the county treasurer.

§ 1342. Payment by county treasurer. Within ten days after the school authorities of a school district, which has adopted the resolution pursuant to section thirteen hundred thirty-six or section thirteen hundred thirty-seven of this chapter, shall have transmitted to the county treasurer the statement of unpaid taxes in the manner provided by law, the county treasurer shall pay over to the officer charged by law with the custody of the school district moneys, an amount equal to the amount of taxes which an owner of real property has elected to pay in installments pursuant to section thirteen hundred forty of this chapter less the amount of the first installment. Such payment may be made from moneys not otherwise appropriated or committed, from moneys appropriated for a contingent fund or pursuant to the local finance law.

ARTICLE 14

SPECIAL PROVISIONS RELATING TO VILLAGES

- Title 1. Assessments.
2. Levy and collection of taxes.

TITLE 1

ASSESSMENTS

- Section 1400. Date of taxable status.
1402. Village assessment status.
1404. Information to be supplied to non-residents.
1406. Verification and completion of tentative assessment roll;
notice thereof.
1408. Hearing of complaints.
1410. Verification and filing of assessment roll; notice
thereof.
1412. Retention of assessment roll.

§ 1400. Date of taxable status. Real property shall be assessed for village purposes according to its condition and ownership as of the first day of January or such other date as may be applicable pursuant to section 5-510 of the village law.

§ 1402. Village assessment status. 1. Assessing unit villages. On or before the first day of February or such other date as may be applicable pursuant to section 5-510 of the village law, the village assessors shall prepare an assessment roll of the real property within the village in the same manner and form as is required by law for the preparation of a town assessment roll.

2. Assessing unit villages utilizing town or county assessment roll. The board of trustees may by resolution authorize the assessors to use the assessment roll of the county or town of the current year as the basis for the village assessment roll so far as practicable. Such

resolution shall be effective until revoked by subsequent resolution or until superseded by a local law adopted pursuant to subdivision three of this section. The board of trustees shall forthwith notify the commissioner of the adoption of such resolution and of its revocation.

3. Non-assessing unit villages. (a) Any village, except a village located in two or more towns having different taxable status dates, may enact a local law, subject to permissive referendum as provided in article nine of the village law, providing that the village shall cease to be an assessing unit and that village taxes shall thereafter be levied on a copy of the part of the town assessment roll, or, if the village be located in a county having the power to assess real property, the county assessment roll. Within ten days of the adoption of such local law, the board of trustees of the village shall forward a copy thereof to the commissioner. Upon the expiration of thirty days after the adoption of such a local law, or if such local law is submitted for approval by the electors, upon approval of such local law, the village shall cease to be an assessing unit and the provisions of this title and the village law relative to the making and reviewing of assessments of real property shall thereafter not apply to such village; provided, however, that if such local law takes effect on or after the taxable status date of the village and before village taxes are levied on an assessment roll based on such taxable status date, the village shall not cease to be an assessing unit until after such village taxes are levied. Within five days of the date such a local law takes effect, the board of trustees of the village shall file a copy thereof with the clerk and assessor of the town or towns within which such village is located, or if the village is located within a county having the power to assess real property, with the clerk and assessor of such county, and at the same time with the commissioner.

(b) A local law adopted pursuant to paragraph (a) of this subdivision shall remain in full force and effect unless rescinded by a subsequent local law which shall be subject to the same referendum and notice provisions.

(c) Upon receipt of the notice of the enactment of the village local law as provided in paragraph (a) of this subdivision, the assessor of the applicable town or county shall thereafter annually prepare a copy

of that part of the final town or county assessment roll applicable to the village, which copy shall conform to the applicable part of the town or county assessment roll and assessments made or approved by the commissioner for the village portion of the town or county assessment roll pursuant to title two-A and two-B of article four, title two of article five, and article six of this chapter, shall be the assessments for village purposes. The taxable status date of the town or county shall control for village purposes. The town or county assessor shall deliver such copy to the board of trustees of the village no later than five days after the completion and filing of the final town or county assessment roll. The expense of preparing and furnishing such duplicate part of the town or county assessment roll shall be a village charge to be raised and collected as are other village charges. In lieu of the duplicate copy of the appropriate part of the town or county assessment roll, upon agreement between the town or county assessor and the village board of trustees, the assessor may provide a data file, as that term is defined in section fifteen hundred eighty-one of this chapter, and a summary of the information contained therein, including the number of parcels and the total assessed value thereof. Nothing contained herein shall relieve the village authorities from full responsibility for ascertaining whether real property is within the village boundaries.

(d) When a village, which has enacted a local law as provided in paragraph (a) of this subdivision, is located in two or more towns, the village board of trustees shall annually secure from the commissioner a statement of the latest state equalization rates established by such commissioner for each town in which such village is partially situated. The state equalization rate to be furnished by the commissioner shall be the rate established by the commissioner for the assessment roll on which village taxes are to be levied. When no state equalization rate has been established for such roll, the rate to be furnished shall be the rate established for the assessment roll immediately preceding the roll on which taxes are to be levied, provided, however, that where a change in the level of assessment has occurred between such preceding roll and the roll on which taxes are to be levied, a special equalization rate shall be established. In all cases, in any given village, the state equalization rates or special equalization rates to be furnished by the commissioner to the village shall have the same full

value standard. The board of trustees shall determine the full valuation of the real property of each part of the towns included in such village by dividing the total assessed valuation of the real property in the appropriate part of each town by the state equalization rate established for such town. The village board of trustees shall also determine what proportion of the tax to be levied in the village shall be levied upon each part of a town included in such village by dividing the sum of the full valuation of taxable real property in the appropriate part of each town by the total full valuation of real property in the village. Such proportions shall be expressed to the nearest exact ten thousandths and the village board of trustees of such village shall levy such a proportion of any tax to be raised in the village during the current fiscal year upon each part of a town included in such village as shall have been determined by the board of trustees. A new proportion shall be determined for each fiscal year thereafter by the board of trustees in accordance with the provisions of this section by the use of the latest state equalization rates. The provisions of this paragraph shall not apply to a village which has adopted the provisions of section nineteen hundred three-a of this chapter.

4. Newly incorporated villages. A village which, on or after the first day of January, nineteen hundred ninety-five, is incorporated pursuant to article two of the village law shall be a non-assessing unit village as provided in paragraph (a) of subdivision three of this section. Such a village may, however, enact a local law, subject to permissive referendum as provided in article nine of the village law, to become an assessing unit as prescribed in subdivision one of this section. Notwithstanding the foregoing provisions of this subdivision, a village incorporated on or after the first day of January, nineteen hundred ninety-five, which is located in two or more towns having different taxable status dates, shall be an assessing unit as prescribed in subdivision one of this section.

5. Coterminous towns-villages. A village which embraces the entire territory of a town and is subject to the provisions of section 17-1722-a of the village law is not subject to the provisions of this section.

§ 1404. Information to be supplied to non-residents. 1. On or before the first day of January or such other date as may be applicable pursuant to section 5-510 of the village law, any person or corporation, who or which owns or has an interest in real property in the village and is a non-resident thereof, may file with the village clerk a written demand for notice of the date when the assessment roll is filed with the village clerk and the amount of the assessment against each parcel of real property of such person or corporation. Such written demand shall give a description of such property sufficient for identification and the name and address of the person or, in the case of a corporation, its name and the address of its principal office.

2. At the time of the filing of the assessment roll with him, the village clerk shall mail to each such person and corporation at the address set forth in the demand, the requested information. Failure to comply with such demand shall not affect the validity of the assessment.

§ 1406. Verification and completion of tentative assessment roll; notice thereof. 1. When the tentative assessment roll has been prepared, the assessors or a majority of them, shall severally make, subscribe and attach to such roll, or file therewith in accordance with the provisions of section fifteen hundred eighty-four of this chapter, an oath in substantially the same form required of town assessors by section five hundred five of this chapter.

2. On or before the first day of February or such other date as may be applicable pursuant to section 5-510 of the village law, the assessors shall complete the assessment roll and file such roll in duplicate with the clerk of the village; provided, however, that if such clerk collects taxes for the village a duplicate roll need not be so filed.

3. On or before the eighth day of February or such other date as may be applicable pursuant to section 5-510 of the village law, the clerk of each village shall cause a notice, the contents of which are hereinafter

set forth, to be published in the official newspaper of the village.

4. Such notice shall state that the assessors have completed the assessment roll, that a copy thereof has been filed with the village clerk where it may be seen and examined by any person during business hours until the third Tuesday of the month and that on that day the board of review will meet to hear complaints in relation to assessments at a specified time and place for at least four consecutive hours.

5. After publication of the notice and until such third Tuesday, the village clerk shall make the assessment roll available for public inspection.

6. The village assessors shall maintain an inventory of all the real property located therein including the names of the owners thereof and complete an annual update thereto on or before the first day of January or such other date as may be applicable pursuant to section 5-510 of the village law. The physical characteristics of real property included in such inventory shall constitute a public record and be available for public inspection and copying in accordance with paragraph (b) of subdivision two of section eighty-seven of the public officers law except as provided in paragraphs (d) and (f) of subdivision two of section eighty-seven of the public officers law. Disclosure of the inventory data shall not be considered an unwarranted invasion of personal privacy as defined in subdivision two of section eighty-nine of the public officers law.

§ 1408. Hearing of complaints. 1. At the time and place and during the hours specified in the notice given pursuant to section fourteen hundred six of this chapter, the board of review shall meet to hear complaints relating to assessments brought before it. The board of trustees and assessors, or a committee of such board constituting at least a majority thereof and the assessors or a board of assessment review constituted pursuant to section five hundred twenty-three of this chapter, or as provided by subdivision five of section fifteen hundred thirty-seven of this chapter, if applicable, shall constitute the board of review.

2. Complaints with respect to assessments shall be filed with the village clerk on or before the day of the meeting of the board of review on the form prescribed by the commissioner pursuant to subdivision three of section five hundred twenty-four of this chapter.

3. The board of review shall have the same powers and duties in relation to the hearing and determining of complaints as are exercised and performed by a board of review in a town pursuant to section five hundred twelve of this chapter; provided, however, that the hearings shall not be adjourned beyond the fifteenth day of the following month.

§ 1410. Verification and filing of assessment roll; notice thereof. 1. When the assessment roll has been changed after the hearing and determination of all complaints as provided in section fourteen hundred eight of this chapter, the assessors, or a majority of them, shall severally make, subscribe and attach to such roll, or file therewith in accordance with the provisions of section fifteen hundred eighty-four of this chapter, an oath in substantially the same form required of town assessors by section five hundred fourteen of this chapter.

2. The completed and verified assessment roll shall be filed with the village clerk on or before the first day of April or such other date as may be applicable pursuant to section 5-510 of the village law. The village clerk shall cause a notice of such filing to be published at least once in the official newspaper within fifteen days, specifying the date of filing and stating that the roll will remain on file subject to inspection for fifteen days from the date of the notice.

§ 1412. Retention of assessment roll. A copy of the final assessment roll shall be retained in the office of the village clerk as a public record for a minimum of ten years from the date of completion thereof.

LEVY AND COLLECTION OF TAXES

Section 1420. Levy and extension of taxes.

1422. Lien date.

1424. Apportionment of tax lien.

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1439. Agreements between villages in Nassau county and the county of Nassau, towns, special and school districts therein; and between villages in Westchester county and the county of Westchester, towns, special and school districts therein; and between villages in Suffolk county and the county of Suffolk, towns, special and school districts therein, for the collection of taxes.

1440. Civil actions to recover unpaid taxes.

1442. Alternative method for collection of delinquent village taxes.

§ 1420. Levy and extension of taxes. 1. On or before the fifteenth day of May or such other date as may be applicable pursuant to section 5-510 or section 17-1729 of the village law, the board of trustees shall levy the tax for the ensuing fiscal year.

2. After the board of trustees shall have determined the amount of the tax to be levied but before the actual levy thereof, such board may direct the clerk to extend and carry out upon the roll the amount to be levied against each parcel of real property shown thereon, and when so directed it shall be the duty of the clerk so to do prior to the time

required by law for such levy.

3. If by reason of an actual or alleged error or defect in the assessment roll of the last preceding year, any taxes or special assessments authorized and intended to be levied thereby have not been paid the amount thereof shall be levied upon the same property upon the assessment roll of the current year.

4. The tax roll shall be made in duplicate, unless the clerk is charged with the collection of taxes. Upon completion of the tax roll the clerk shall endorse thereon the date of completion. The completed tax roll shall be presumptive evidence of the facts stated therein.

§ 1422. Lien date. The annual village tax shall be a lien on real property on which it is levied from the first day of the fiscal year for which it is levied until paid or otherwise satisfied or discharged.

§ 1424. Apportionment of tax lien. 1. The assessors shall, at the written request of the owner, mortgagee or prospective purchaser or mortgagee, apportion any tax lien affecting property which is to be subdivided or a part thereof sold or mortgaged or affecting two or more lots which have been assessed as one and file such apportionment with the treasurer. The treasurer shall upon the filing of such apportionment in his office give written notice thereof by mail to the holder of any tax lien so apportioned and also to all owners or mortgagees as are shown in an affidavit to be filed by the applicant for such apportionment. The applicant shall file with the treasurer an affidavit showing who are the owners of the property, with their names and addresses and also the names and addresses of all mortgagees holding mortgages against the whole or any part of the property in reference to which the tax lien is to be apportioned. The holder of any such tax lien or any owner or mortgagee may within ten days thereafter give written notice to the treasurer if he objects to the apportionment and within ten days after filing such written notice shall commence a proceeding to review the action of the assessor in making such apportionment. In the

event of the failure of the holder of any tax lien or owner or mortgagee to file objections to the apportionment within ten days, or if he files objections, to proceed to review the apportionment within twenty days, such apportionment shall be effective and the treasurer or the holder of any tax lien shall thereupon accept payment of the amount so apportioned as affecting any part so apportioned and thereafter all provisions in this section contained in reference to the payment of the tax lien, or the foreclosure thereof, shall apply to the apportioned amounts.

2. Where a village has enacted a local law as provided in subdivision three of section fourteen hundred two of this article, the town or county assessor, who prepares a copy of the appropriate part of the town or county assessment roll for village tax purposes, shall perform the duties otherwise imposed on village assessors by this section.

§ 1426. Warrant for collection of taxes. 1. Upon the completion of the tax levy and on or before the twentieth day of May or such other date as may be applicable pursuant to section 5-510 or section 17-1729 of the village law, the village clerk shall deliver to the treasurer, one of the duplicate rolls with a warrant thereto annexed, or filed therewith as provided in section fifteen hundred eighty-four of this chapter, signed by the mayor and attested by the clerk under the corporate seal of the village, containing a summary statement of the purposes for which the taxes are levied, as shown on such roll, the amount thereof for each such purpose and the total amount for all such purposes, and commanding the treasurer to collect the taxes therein levied.

2. The treasurer shall give a receipt to the clerk for the warrant and tax roll delivered to him and shall collect the taxes and return the roll on or before the first day of February or such other date as may be applicable pursuant to section 5-510 or section 17-1729 of the village law, except that such return shall be made on or before the first day of November if unpaid village taxes are to be collected by the county pursuant to section fourteen hundred forty-two of this title.

§ 1428. Notice of receipt of tax roll and warrant. 1. Upon receiving the tax roll and warrant and on or before the first day of June or such other date as may be applicable pursuant to section 5-510 or section 17-1729 of the village law, the treasurer shall cause to be published in the official paper of the village, once a week for two successive weeks, a notice that such tax roll and warrant have been left with him for the collection of the taxes therein levied.

2. Such notice shall designate one or more convenient places in the village where he will receive taxes from the first day of June to and including the first day of July or such other dates as may be applicable pursuant to section 5-510 or section 17-1729 of the village law, from nine o'clock in the morning until four o'clock in the afternoon, excepting Saturdays, Sundays and holidays.

3. Such notice shall contain a statement of the interest required to be added by section fourteen hundred thirty-two of this chapter.

§ 1430. Statement of taxes to be mailed. 1. The village treasurer shall, immediately after the receipt of the tax roll and warrant, mail statements of taxes in the same manner as provided in section nine hundred twenty-two of this chapter for city and town collecting officers.

1-a. The collecting officer shall further enclose with each such statement a notice that any taxpayer who owns residential real property consisting of no more than three family dwelling units and who is age sixty-five or over or who is disabled is eligible for a third party notification procedure if desired. Such notice shall state that any eligible taxpayer wishing to participate in such procedure must designate an adult third party to receive notification, that the designated third party must consent to such notification, where the appropriate application form may be obtained, and that an application form must be filed with the collecting officer of the appropriate municipal corporation no later than a specific date, as chosen by resolution of the legislative body of such municipal corporation, which

date shall be no earlier than sixty days prior to the levy of taxes by or on behalf of such municipal corporation. Duplicates of subsequent tax bills and notices of unpaid taxes shall be mailed to such third party until such time as the property owner or administrator or executor of the estate of such property owner notifies the collecting officer in writing that third party procedure should cease or until such time as a change of ownership is indicated on the tax roll or the collecting officer receives notice of a change of ownership pursuant to section five hundred seventy-four of this chapter. The collecting officer shall mail an application form to any eligible taxpayer who requests the same and who includes a self-addressed, stamped envelope with such request.

2. The board of trustees may provide by resolution that the village treasurer shall cause to be enclosed with the statement showing the amount of tax due, a summary of the adopted budget and an explanation of the computation of the tax rate.

3. Any person or corporation, who or which owns or has an interest in real property in the village and is a non-resident thereof, may file with the village clerk a description of such real property sufficient to identify the same and the name and address of such person or, in the case of a corporation, the name and the address of the principal office, and thereafter a statement as above provided shall be mailed to each such person or corporation.

The failure to mail any such statement, or failure of the addressee to receive the same, shall not in any manner affect the validity of the taxes or the interest imposed by law with respect thereto.

§ 1431. Town receiver of taxes in certain counties as village receiver. In each village in this state within a county having a population of more than three hundred thousand, and less than four hundred thousand, according to the state enumeration taken in nineteen hundred fifteen, when in and for any such county a special tax act has been heretofore or hereafter enacted, providing for, among other things a town receiver of taxes with duties to collect all state, county, town,

school and town district taxes and assessments levied or assessed upon any taxable property within such town for the state, county, town, school or town tax district or part thereof therein, and in each village in the town of Ramapo, Rockland county, the board of trustees may by resolution designate and appoint the town receiver of taxes as a village receiver of taxes at a compensation per annum not to exceed one per centum of the total of the village tax roll of each year respectively, and such designation and appointment shall be made annually at the first meeting of the village board after the commencement of the term of members of the board elected at the immediately preceding village election, and the term of office as village receiver of taxes of such town receiver when so designated and appointed shall continue for one year or if his term of office as town receiver expires within the year, then shall continue until the expiration within such year of his term of office as town receiver and in the event that his term of office as town receiver expires within such year the vacancy in the office of village receiver of taxes thus created shall be filled by a like designation and appointment by the village board of the successor in office of such town receiver of taxes which said new designation and appointment of said successor in office of such town receiver of taxes shall continue for the remainder of said year and until the next annual like designation and appointment of the town receiver of taxes as village receiver of taxes by the village board. The said town receiver of taxes when so designated and appointed as village receiver of taxes shall in respect to the collection of village taxes and as to all his duties with respect to village taxes be deemed to act exclusively as the village tax receiver, and as such village receiver of taxes he shall before entering upon the duties of such office execute to the village and file with the village clerk an official undertaking in such sum and with such sureties as the village board of trustees shall direct and approve, and the village board of trustees may at any time require such officer to file a new official undertaking for such sum and with such sureties as the village board shall approve, and in any village where the town receiver of taxes has been designated as village receiver of taxes, as herein provided, thereafter there shall be no village collector of taxes elected until such time as after a period of two years following the adoption of such resolution, a resolution shall be adopted by the board

of trustees revoking the designation and appointment of the town receiver of taxes as village receiver of taxes as aforesaid. Provided, however, that in any village where prior to the effective date of this section, a proposition has been adopted at a special election, called for that purpose, authorizing the board of trustees to designate and appoint the town receiver of taxes as village receiver of taxes, thereafter there shall be no village collector elected until such time as after a period of two years following the adoption of such proposition, a proposition shall be adopted, at a special election called for that purpose, revoking the authority of the board of village trustees to designate and appoint the town receiver of taxes as village receiver of taxes. From and after the passage of this section it shall be the duty of any such town receiver of taxes in addition to the other duties imposed upon him by law, to file an undertaking as herein required and to collect village taxes and perform all the other duties herein required of a village receiver of taxes and all of the provisions of the general village law relating to a collector of taxes, and as to villages incorporated under special laws, of any special laws applicable to any such village not incorporated under the general village law, and all provisions at the time of the passage of this section in force relating to the collection of taxes, not inconsistent with this section, shall be deemed to continue in force and to apply to said receiver of taxes in the collection of village taxes, and shall be deemed to apply to the collection of village taxes, provided, however, that the penalties to be collected under said law or laws shall belong to the village, and provided further that all such village taxes, assessments, and penalties thereon shall be daily deposited in the village bank account and a duplicate deposit slip or receipt therefor together with an itemized statement of the taxes, assessments and penalties paid shall be transmitted to the treasurer of the village, and an itemized report thereof when required by the village board shall be submitted to said board.

§ 1432. Collection of taxes; interest. 1. The treasurer shall receive taxes at the time and place specified in the notice of receipt of the tax roll and warrant. After the first day of July or after the thirtieth

day following the date of the receipt of the tax roll and warrant pursuant to section fourteen hundred twenty-eight of this title, whichever is later, or such other date as may be applicable pursuant to section 5-510 or section 17-1729 of the village law, the treasurer shall proceed to collect the taxes remaining unpaid with interest as herein provided, but without any other fee or charge and for that purpose he shall have all the powers of a town collecting officer. All interest collected shall belong to the village.

2. On all taxes remaining unpaid after July first or after the thirtieth day following the date of the receipt of the tax roll and warrant pursuant to section fourteen hundred twenty-eight of this title, whichever is later, or such other dates as may be applicable pursuant to section 5-510 or section 17-1729 of the village law, interest of five per centum shall be added for the month of July or fraction thereof or such other month as may be applicable, and an additional amount of interest at the rate as determined pursuant to section nine hundred twenty-four-a of this chapter for each month and fraction thereof thereafter until paid. In villages in the county of Westchester, the board of trustees may by resolution provide that on all taxes remaining unpaid after July first or after the thirtieth day following the date of the receipt of the tax roll and warrant pursuant to section fourteen hundred twenty-eight of this title, whichever is later, or such other date as may be applicable pursuant to section 5-510 or section 17-1729 of the village law, two per centum will be added for the month of July or such other month as may be applicable, and an additional one per centum for each month and fraction thereof until paid.

§ 1433. Certification and collection of taxes in certain counties. All village taxes and assessments which have been or shall have been imposed in any such village shall be certified to said receiver of taxes by the treasurer of the village and shall be collected by the receiver of taxes, and any cancellations thereof by the proper authorities in accordance with law shall immediately upon any such cancellation be certified to said receiver of taxes, and all such village taxes remaining unpaid and uncanceled shall be collected by the said receiver

of taxes and deposited and a report made thereon to the village treasurer and whenever required to the village board, as set forth in section fourteen hundred thirty-one for the collection of current taxes. In case that all taxes and assessments which shall have accrued and been imposed in such village the said receiver of taxes is hereby authorized, directed and empowered to collect such taxes as hereinbefore provided, with interest and penalties, pursuant to the provisions of the law under which such taxes and assessments accrued or were imposed, and in the manner provided by law applicable to village collectors or receivers and to village treasurers to collect such taxes or assessments at the time of their imposition.

§ 1434. Partial payment of taxes. 1. Notwithstanding any provision of this article to the contrary, the board of trustees of any village may by resolution determine to collect taxes in two installments. If such a resolution is adopted, the first installment shall be collected at the time, in the manner and subject to the same interest specified and provided for in this article, or pursuant to the provisions thereof, for the collection of taxes, and the second installment in like manner and subject to the same interest. The particular dates and times specified in this article or pursuant thereto as governing the collection of the first installment shall govern the collection of the second installment, except that they shall be corresponding dates and times as determined by resolution of the board of trustees.

2. If such resolution be adopted as provided in subdivision one hereof, the said board of trustees of any village may by resolution further provide that the second installment may be paid in full at the same time as the first installment, and that on such advance payment a discount will be allowed from such date of payment to the date when the said second installment is due and payable, at a rate not to exceed two per centum per annum.

§ 1436. Return of unpaid taxes. 1. The return of unpaid taxes by the treasurer, or a copy thereof certified by the clerk under the corporate

seal, shall be presumptive evidence of the facts stated therein. A tax roll filed with the clerk, or a copy of the same or any part thereof, certified by him under the corporate seal, shall be presumptive evidence of the contents thereof, the regularity of the assessment and the right to levy such tax.

2. At the same time that the treasurer returns the tax roll and warrant, he shall deliver to the board of trustees an account of the unpaid taxes. Such account shall describe each parcel of real property upon which taxes are unpaid, shall show the person or persons in whose name assessed and the amount of unpaid tax. Upon filing with the board of trustees a verified statement that the taxes mentioned in such account remain unpaid and that he has been unable to collect the same, the treasurer shall be credited with the amount thereof.

3. The board of trustees shall compare the account with the original tax roll. If the account is a true transcript, a certificate, executed by each member of such board, shall be attached which shall recite that the account has been so compared and found to be correct and shall state the total amount of taxes unpaid. Such facts shall also be included in the official minutes. Within fifteen days after any tax roll and warrant has been returned by the treasurer to the board of trustees of any village, such board shall file the same in the office of the village clerk. A copy of the tax roll shall be permanently retained as a public record.

4. (a) If action to enforce collection is to be initiated pursuant to section fourteen hundred forty-two of this chapter, the account and certificate described in subdivision three of this section shall be transmitted to the county treasurer by the board of trustees within fifteen days after the tax roll and warrant has been returned by the village treasurer to the board of trustees. Upon delivery to the county treasurer of the account and certificate of unpaid village taxes, a penalty of five per centum shall be added to each amount currently due and owing. The amount of penalty and interest accumulated on any delinquent account at the time such account is transmitted to the county treasurer shall be included in and be deemed part of the amount of the

unpaid tax for purposes of payments to the village from the county treasurer and for purposes of computing the additional percentage to be levied by the county legislative body.

(b) If action to enforce collection is to be initiated pursuant to title three of this article, the account and certificate described in subdivision three of this section shall be delivered to the village treasurer who shall continue to collect these taxes and enter such collections in the account until commencement of action to enforce collection.

§ 1437. Cancellation of void taxes. The board of trustees of any village may, and shall upon order of the county court, direct the cancellation of any unpaid tax levied or imposed by such board against property of the state or the United States where it is determined that the lien of such tax cannot be enforced.

§ 1438. Collection of taxes by village clerk. 1. At the annual meeting of the board of trustees, such board may determine by resolution that the taxes in the village shall be collected by the village clerk instead of the treasurer and thereafter, the clerk shall collect taxes until such resolution is revoked at a subsequent annual meeting.

2. In a village in which such a resolution is in effect, the tax roll and warrant shall be signed only by the mayor and shall be directed to the clerk, who shall have all the powers and shall perform all the duties of the treasurer set forth in this title with respect to the collection of taxes, so far as practicable. If the tax roll is prepared in machine readable form only as provided in article fifteen-C of this chapter, the mayor shall sign and file a separate document attesting to his approval of the tax roll and warrant in lieu of signing the roll.

3. Within twenty-four hours after receiving the same, all taxes collected by the clerk shall be paid by him to the village treasurer who shall deliver to such clerk a written receipt therefor. Upon the expiration of the time for the collection of taxes, the clerk shall file

the roll and warrant in his office with a return in accordance with the directions of the warrant showing the total amount of taxes paid and each tax unpaid with the receipt of the village treasurer for all taxes paid to him.

4. In case of the death or disability of the treasurer, or the village clerk when so designated as provided by subdivision one of this section, or in case of his refusal to act, the board of trustees at a general meeting, or at a special meeting called for such purpose, may appoint a temporary village tax collector. Such collector shall have all the powers and duties of a treasurer or village clerk as provided by this article. The provisions of this subdivision shall apply to villages having a combined office of village clerk-treasurer.

§ 1439. Agreements between villages in Nassau county and the county of Nassau, towns, special and school districts therein; and between villages in Westchester county and the county of Westchester, towns, special and school districts therein; and between villages in Suffolk county and the county of Suffolk, towns, special and school districts therein, for the collection of taxes. 1. Notwithstanding the provisions of any general, special or local law, any village in the county of Nassau, the county of Westchester and the county of Suffolk may, by resolution of its board of trustees, enter into an agreement with the county or any town, school district or special district therein with respect to any parcel of real property upon which each of the parties has tax liens. The resolutions of the governing bodies of the parties to the agreement authorizing such parties to enter into the agreement may also provide for the satisfaction and discharge of such tax liens of record although the amount realized from the sale or other disposition of the property pursuant to the agreement is insufficient to pay the full amount of the tax liens of the parties to the agreement.

2. Such agreement may provide for the sale or other disposition of such parcel free and clear of all unpaid tax liens held by the parties thereto which liens accrued on or before the date of such sale or disposition. Such agreement may also provide for:

a. The disposition of such property even though for less than the full amount of the tax liens of the parties.

b. The distribution of the proceeds from the sale or such other disposition of the property and arrangements for such distribution when the proceeds are insufficient to discharge all such tax liens.

Such an agreement may also be made between such village and any person having any tax lien on or any other right, title, interest or equity of redemption in such property.

3. When authorized by resolution of its board of trustees, any village in the county of Nassau, in Westchester county and in the county of Suffolk having a tax lien may protect such tax lien by bidding for and purchasing the real property affected by such tax lien at a judicial sale of such real property in any action for the foreclosure of a lien for unpaid village, county, town, school or special district taxes or assessments for benefit or local improvements.

4. In order to carry out an agreement authorized by this section or bid for and purchase such property at a judicial sale as authorized by this section, the board of trustees of such a village may:

a. Provide funds in its budget for such purposes.

b. Appropriate for such purposes any funds not otherwise appropriated.

c. Provide funds for such purposes pursuant to the local finance law.

5. The term "tax lien," as used in this section, shall include liens for taxes, and assessments for benefit or local improvements, whether or not

a. Such taxes or assessments have been relieved as a part of any annual tax;

b. Any of such liens have been sold and certificates of sale issued therefor;

c. Deeds or conveyances have been issued by a treasurer or similar fiscal officer based upon such certificates of sale; or

d. Deeds or conveyances have been issued pursuant to a judgment foreclosing any such lien.

§ 1440. Civil actions to recover unpaid taxes. 1. After the lapse of thirty days from the return of the treasurer, an action may be maintained, as upon contract, by the village to recover the amount of an unpaid tax, together with any interest thereon, as set forth herein.

2. (a) After receiving the account of unpaid taxes and not later than the seventh day of February or such other date as may be applicable pursuant to section 5-510 of the village law, the board of trustees may determine by resolution that all or a portion of such unpaid taxes shall be collected by civil action.

(b) The board shall thereupon cause proceedings to be brought as to that portion which it has determined to collect by civil action. A certified copy of the resolution shall be delivered to the village treasurer. However, as to those parcels of property which are subject to delinquent tax liens from prior years, it shall not be necessary to attempt to collect such taxes by civil action.

(c) An order of attachment against the property of the defendant may be granted upon the application of the plaintiff as provided by the civil practice law and rules, irrespective of the amount of such tax. A judgment in such action for any amount, when docketed in the office of the county clerk, shall be a lien upon the real property of the defendant, having the same priority, as such lien, as the taxes upon which there was a recovery recovered in such action, and an execution upon the judgment may be issued and enforced against the real property of the defendant irrespective of the amount of such judgment. Enforcement proceedings may also be taken for such tax in accordance with the provisions of section nine hundred ninety of this chapter,

irrespective of the amount of such judgment.

§ 1442. Alternative method for collection of delinquent village taxes.

1. Notwithstanding the provisions of this article, or any general, special or local law to the contrary, the legislative body of any county, except counties wholly within a city, upon the enactment of a local law, may provide for the collection of delinquent village taxes, if such collection is requested by resolution of the board of trustees of any village within such county.

2. Prior to the direction from the county legislative body to relevy delinquent village taxes, any person whose real property is included in the account of delinquent village taxes returned to the county treasurer pursuant to paragraph (a) of subdivision four of section fourteen hundred thirty-six of this chapter may pay to the county treasurer the amount of taxes entered thereon, with interest accumulated to the time of the return of the tax roll and warrant by the village treasurer to the village board of trustees. The county treasurer shall pay over to the village treasurer all moneys realized from the collection of such unpaid taxes, including interest, prior to the direction from the county legislative body that those taxes remaining unpaid are to be relevied, except that the county treasurer shall retain the five percentum penalty imposed pursuant to paragraph (a) of subdivision four of section fourteen hundred thirty-six of this chapter, and such amount shall be paid over to the county.

3. Within two weeks prior to the levy of the town and county taxes, the account and certification of delinquent village taxes remaining unpaid shall be transmitted by the county treasurer to the county legislative body, which shall cause the amount of such unpaid taxes, together with seven percentum of the amount of principal and interest, to be relevied upon the real property upon which the same were originally imposed by the village. The amount relevied pursuant to this section shall include village taxes payable in installments which shall have remained unpaid after the date upon which the last installment was due. After relevy on the town and county tax roll, all such relevied amounts

shall become a part of the total tax to be collected. Such relieved amounts shall be considered due and owing to the county treasurer to reimburse the county for the amounts advanced pursuant to subdivision three of this section.

4. The county treasurer shall, on or before the first day of April following the receipt of the account and certification of delinquent village taxes as provided in section fourteen hundred thirty-six of this chapter, pay to the village treasurer, the amount of returned delinquent village taxes remaining unpaid, including interest accumulated to the time of the return of the tax roll and warrant by the village treasurer to the village board of trustees, provided that the county treasurer shall retain the five per centum penalty imposed pursuant to paragraph (a) of subdivision four of section fourteen hundred thirty-six of this chapter.

5. The same proceedings in all respects shall be had for the collection of the amount so directed to be raised by the county legislative body as are provided by law in relation to the county taxes.

6. When action to enforce collection is initiated pursuant to this section, the powers and duties conferred upon the county legislative body and the county treasurer shall, in Westchester county, be exercised by the town board and by the town supervisor respectively.

ARTICLE 15

SPECIAL PROVISIONS RELATING TO CERTAIN ASSESSING UNITS

Section 1502. Payment of taxes in installments in certain towns in Dutchess county.

1504. Penalties and interest payments in towns of Dutchess county.

1506. Penalty and interest payments in cities and towns in Rensselaer county.

1510. Solid waste fees.

1512. Payment of taxes to county by cities in Westchester

county.

1514. Partial payment of taxes and tax liens in Westchester county.

§ 1502. Payment of taxes in installments in certain towns in Dutchess county. 1. Notwithstanding the provisions of any general or special law, the town board of any town of the first class in the county of Dutchess may by resolution, adopted prior to the levy of taxes pursuant to article nine of this chapter authorize the collecting officer thereof to accept from any taxpayer, so electing, payment for or on account of such taxes in three installments as follows: the first installment on or before the last day of February; the second installment on or before the thirty-first day of May; and the third installment on or before the thirty-first day of August of such year.

2. In the event taxes are authorized to be paid in installments in any town as provided in subdivision one of this section, the following scale of penalties and interest for neglect of payment thereof shall apply in lieu of those provided in section fifteen hundred four of this chapter: if paid, in whole or in part, on or before the last day of February, after the notice required by section nine hundred twenty of this chapter, there shall be no penalty or interest; if paid, in whole or in part, thereafter and on or before the thirty-first day of May, two per centum of the amount of the unpaid balance of the tax; if paid, in whole or in part, thereafter and on or before the thirty-first day of August, four per centum of the amount of the unpaid balance of the tax; if paid thereafter five per centum of the amount of the unpaid balance of the tax and if paid to the county treasurer, after return by the collecting officer of the unpaid taxes which shall be made immediately upon the expiration of the period for the payment of the last installment on the thirty-first day of August, at the rate of interest as determined pursuant to section nine hundred twenty-four-a of this chapter from June first to the date of tax sale with expenses of publication now allowed by law, and the form of notice prescribed by section nine hundred twenty of this chapter shall be made to conform to the provisions of this section by the collecting officer in any such town. The acceptance of a

part of such taxes by any such official shall not affect any lien or power of the county of Dutchess to enforce collection of any unpaid balance of tax or tax liens, together with interest, penalties or other lawful charges.

3. Notwithstanding the provisions of any general or special law, the collecting officer in any town wherein taxes are authorized to be paid in installments pursuant to this section shall pay to the officers and persons specified in his warrant, within one week from the last day specified for the payment of any such installment, such proportion of the amount collected by him during such period as the amount of the tax required to be collected and paid to each such officer or person, as the case may be, bears to the total amount of such tax required to be collected and paid to all such officers and persons for all purposes provided, however, that the amount paid to any such officer or person other than the treasurer of the county shall in no event exceed the total of the amount required to be paid to such officer or person as determined by the amount of the total tax levy required to be paid to him. The warrant to the collecting officer shall be varied so as to conform to the provisions of this section.

4. Notwithstanding the provisions of any general or special law, any town wherein taxes are authorized to be paid in installments pursuant to this section shall be liable for and shall pay to the county the full amount of any increased cost to the county for any special accounting system or equipment necessary to comply with the provisions of this section especially applicable with respect to such county.

§ 1504. Penalties and interest payments in towns of Dutchess county.

1. Notwithstanding the provisions of any general or special law to the contrary, the following scale of penalties and interest is hereby prescribed for the neglect to pay county or town taxes, special ad valorem levies or special assessments in towns in Dutchess county: if paid on or before the last day of February after the notice required by section nine hundred twenty of this chapter, there shall be no penalty or interest; if paid thereafter and on or before the last day of March,

two per centum; if paid thereafter and on or before the last day of April, three per centum; if paid thereafter and on or before the last day of May, four per centum; if paid thereafter five per centum and if paid to the county treasurer at the rate of interest as determined pursuant to section nine hundred twenty-four-a of this chapter from June first to the date of tax sale with expenses of publication now allowed by law, and the form of notice prescribed by section nine hundred twenty of this chapter shall be made to conform to the provisions of this section by the collecting officers in Dutchess county.

2. If the final date for collection of taxes, or for the collection of taxes without penalty, or for the collection of taxes at a lesser prescribed penalty interest rate shall fall on a Saturday, Sunday or public holiday, an extension for the collection of taxes shall automatically be in effect until the first business day following such date and the date for paying over taxes shall be extended to the following day.

§ 1506. Penalty and interest payments in cities and towns in Rensselaer county. Notwithstanding the provisions of any general or special law to the contrary, the following scale of penalties is hereby prescribed for the neglect to pay the county, or town taxes, special ad valorem levies or special assessments in cities and towns in Rensselaer county: if not paid on or before or during the period of thirty days after the mailing of the tax bills by the collecting official or February fifteenth, whichever date shall be the earlier after the notice required by section nine hundred twenty of this chapter, one per centum except in towns of the first class and those towns in which a town clerk acts as collecting officer, in which towns there shall be no penalty or interest; if paid thereafter and before the last day of March, two per centum in all cities and towns; if paid thereafter and before the last day of April, three per centum in all cities and towns; if paid thereafter and before the last day of May, four per centum in all cities and towns; if paid thereafter and before the last day of June, five per centum in all cities and towns; if paid thereafter and before the last day of July, six per centum in all cities and towns; if paid after the

first of August and before the last day of September, eight per centum in all cities and towns and if paid thereafter after the first day of October and the last day of November, ten per centum in all cities and towns, together with expenses of publication of tax sale advertising as now allowed by law.

§ 1510. Solid waste fees. Notwithstanding the provisions of any general or special law to the contrary, the legislative body of a county may by resolution direct the collecting officers of the towns in such county to collect solid waste fees at the same time and in the same manner as county and town taxes are collected. Such fees shall be paid by such collecting officers to the appropriate officer of the county in the same manner and at the same time as county taxes.

§ 1512. Payment of taxes to county by cities in Westchester county. 1. Notwithstanding the provisions of any general or special law to the contrary, each city in the county of Westchester shall pay on or before the twenty-fifth day of May in each year not less than sixty per cent of the taxes, special ad valorem levies and special assessments, if any, due to be paid to the county commissioner of finance during such calendar year and the balance thereof shall be paid on or before the fifteenth day of October in each year. In the event that any city fails to pay to the county commissioner of finance on or before the fifteenth day of October in any calendar year the full amount due for such calendar year and tax anticipation notes are issued by the county pursuant to the local finance law for the amount of the deficiency, the county commissioner of finance shall certify to the board of supervisors and also to the city on account of whose failure to pay any tax anticipation notes have been issued, the amount of such deficiency adding thereto interest at the rate of six per centum per annum from the fifteenth day of October to the first day of June in the following year. Upon receiving such certification the board of supervisors shall apportion to and levy upon such city the amount of such deficiency together with the interest thereon. Such city shall cause the amount of such deficiency and interest to be inserted in and become a part of the

levy for its next fiscal year. After such apportionment and levy against any such city by the board of supervisors, all taxes thereafter collected in such city to the amount of such deficiency and interest shall either be paid over to the county commissioner of finance as collected or deposited in a special account to be held for and paid over to the county commissioner of finance on or before the twenty-fifth day of May in the year in which the tax anticipation notes are due. The amounts so paid to the county commissioner of finance shall be used only to pay such notes and interest and the balance, if any, shall be applied to general county purposes.

2. Each city in such county shall pay to the county commissioner of finance each month as collected the proportionate share of taxes, special ad valorem levies and special assessments due to be paid to the county commissioner of finance. In the event that the monthly payments so made are insufficient to meet the percentage payments due under subdivision one hereof, the balance shall in each case be paid as provided in such subdivision. It shall be the duty of the financial or other officer of each city charged with the making of such payments to cause such payments to be made as provided in this section.

3. (a) At the time a city in Westchester county shall obtain title to a parcel of real property on account of nonpayment of taxes, special ad valorem levies and special assessments levied upon such parcel, the city may, for a period of one year after the date of such acquisition, apply to the county commissioner of finance for an adjustment of county taxes paid by the city to the county attributable to such parcel under this section subsequent to January first, nineteen hundred eighty-two. The city's application shall be in such form and provide such information as the county commissioner of finance may from time to time require and shall certify the amount of county taxes paid by the city to the county attributable to such parcel which were not actually collected by the city for that parcel. Upon receipt of a properly completed application by a city, the county commissioner of finance shall pay to the city an amount equal to the amount of county taxes certified by the city in such application as paid to the county that were not actually collected by the city with respect to such parcel.

(b) Repayment by a city to the county of the sums provided under paragraph (a) shall be made as follows:

(i) Upon a determination by the city to utilize the subject parcel for municipal purposes, the city shall forthwith repay to the county the full amount of any payment made by the county to the city pursuant to this subdivision pertaining to such parcel.

(ii) Upon receipt by the city of full payment for taxes due on such parcel by tax sale or otherwise, the city shall forthwith repay to the county the full amount of any payment made by the county to the city pursuant to this subdivision pertaining to such parcel.

(iii) Upon receipt by the city of partial payment for taxes due on such parcel by tax sale or otherwise, the city shall forthwith repay to the county a proportionate share of any payment made by the county to the city pursuant to this subdivision pertaining to such parcel. The proportionate share to which the county will be entitled will be the proportion that county taxes bear to all real property taxes due against such parcel.

(c) The county, on notice to the city, shall be entitled to inspect all books and records of the city and to perform audits and inspections of such books and records, including, but not limited to, on-site audits and inspections, for the purpose of auditing any payments made, to be made or that should be made under this subdivision.

(d) For purposes of the administration of this subdivision, or if the city shall fail to timely make payments to the county as required hereunder, the county commissioner of finance may set off amounts due a city under this subdivision against other amounts due the county from the city under this subdivision. The foregoing rights of set off shall not affect or limit any other right or remedy to which the county may be entitled in case of failure of the city to make timely payments under this subdivision.

(e) For purposes of this subdivision, the term "county taxes" shall include taxes, special ad valorem levies and special assessments imposed by Westchester county and any special district thereof.

§ 1514. Partial payment of taxes and tax liens in Westchester county.
Notwithstanding the provisions of any general or special law to the

contrary, in the county of Westchester the common council, board of aldermen, commission or other legislative body of any city by whatever name called may by resolution or ordinance authorize the collecting officer in such city to accept from any taxpayer at any time partial payments for or on account of taxes, special ad valorem levies and special assessments or on account of any tax liens owned and held by such city in such amount or manner and apply such payments on account thereof in such manner as may be prescribed in such resolution or ordinance. Notwithstanding the provisions of any general or special law to the contrary, such resolution or ordinance may provide that if any installment subsequent to the first installment is paid in the month in which it becomes due, the penalty accrued against such installment may be reduced; provided, however, that such penalty shall not be reduced below the rate of two per cent, through the month in which such installment is due, but if not paid in the month in which such subsequent installment is due, penalties subsequent to that month shall be as presently defined in existing law. No installment payment provided for under this section shall be due later than one month prior to the date upon which the assessment roll on which the tax is levied is closed and succeeded by a new roll. After receiving any such partial payment, interest and penalties shall be charged against the unpaid balance only. The acceptance of a partial payment shall be deemed not to affect any rights and powers of such city in any general or special act including charter or local laws, but such rights and powers shall remain in full force and effect to enforce collection of the unpaid balance together with interest, penalties and other lawful charges thereon.

ARTICLE 15-A

COUNTY AND STATE ASSESSMENT SERVICES

- Title 1. County services to cities and towns.
2. Counties having power to assess property for tax purposes.
 3. State services to counties, cities and towns.
 4. Application of article; adoption of local laws.

TITLE 1

COUNTY SERVICES TO CITIES AND TOWNS

- Section 1530. County real property tax service agency; director.
1532. Powers and duties of director of real property tax services.
1536. County advisory appraisal service.
- 1536-a. County appraisal service.
1537. Optional county services.
1538. Optional assignment of the responsibilities of the county director of real property tax services by the county of Rockland.

§ 1530. County real property tax service agency; director. 1.

Selection and term of office. In each county that does not assess real property for purposes of taxation, except a county wholly within a city, there shall be a real property tax service agency. The head of such agency shall be the director of real property tax services, who shall have a six year term of office commencing on October first, nineteen hundred seventy-one and on October first of each sixth year thereafter. The director shall be appointed by the legislative body of the county except that in a county in which heads of departments are appointed by the county executive or county manager, such director shall be appointed by such county executive or county manager. Any resident of the state, otherwise eligible for appointment as director of real property tax services, may be appointed director of real property tax services.

1-a. In the event that a director of real property tax services, appointed pursuant to the provisions of this section, is unable to perform the duties of the office of director of real property tax services or the office becomes vacant, the appointing authority may by resolution designate or appoint an acting director of real property tax services. Where an acting director of real property tax services is designated or appointed pursuant to this section, the appointing authority shall notify the commissioner within fifteen days of making such designation or appointment. The acting director of real property tax services shall function as director of real property tax services until such time as the director of real property tax services is able to

resume the position or until a replacement is appointed. In the event an acting director of real property tax services functions as director of real property tax services for more than six months, then such acting director of real property tax services shall be required to meet the minimum qualification standards and to obtain certification as required by this title for persons appointed to the office of director of real property tax services.

2. Classification. The position of director of real property tax services shall be classified in the noncompetitive class of the civil service, except where the county legislative body determines the position to be full-time and such body requests that the position be classified in the competitive class.

3. Qualifications and training. a. Minimum qualification standards. The director of real property tax services shall be appointed on the basis of his knowledge of principles and methods relating to the assessment of real property and his executive and administrative experience. No person shall be eligible for appointment as director unless he meets the minimum qualification standards established for such office by the commissioner.

b. Required training. A person who takes office as director of real property tax services shall complete the basic course of training prescribed by the commissioner within four years after he or she commences his or her term of office. The curriculum of such basic training course shall include but not be limited to assessment administration; the fundamentals of real property and land appraisal; fundamentals of tax mapping; mass appraisal techniques; industrial appraisal; exemption administration; tax collection and enforcement; and other topics relevant and important to assessing functions; provided, however, any such person who successfully demonstrates to the commissioner satisfactory competence in the subject matter of the basic course of training shall not be required to complete the same. Directors of real property tax services shall, in addition to the basic course of training, also complete courses in a continuing training and education program as shall be prescribed by the commissioner under the provisions

of this article.

c. Orientation. Within one month of commencing a term of office, any county director who has not obtained commissioner certification pursuant to this section shall attend a one day orientation course prescribed by the commissioner. Such orientation course shall be designed to provide the prospective county director with a general knowledge of the responsibilities of the county director and a general understanding of the appropriate state and local government structure. No county director shall continue in office or receive compensation where the commissioner determines that he or she has failed to file with the clerk of the county a certificate of attendance of the orientation course.

d. Interim certification. At least once during each twelve month period preceding the date by which the commissioner requires permanent certification pursuant to this section, each county director must obtain an interim certification from the commissioner. Such interim certification shall evidence satisfactory progress in obtaining permanent certification by successful completion of one or more components of the required training. The commissioner shall transmit such interim certificate to the county director and to the appropriate county clerk for filing.

e. Failure to complete required training. (1) Such director of real property tax services shall not continue in office unless within the applicable period specified in paragraph b of this subdivision, he or she shall have filed with the clerk of the county a certificate of the commissioner stating that he or she has completed the basic course of training and education prescribed by the commissioner. The county director must also complete prescribed courses in a continuing training and education program as required in paragraph b of this subdivision. (2) In the event a director does not file such statement, interim certificate, certificate, or a temporary certificate issued pursuant to this paragraph, or does not complete such prescribed courses in a continuing training and education program, the commissioner shall conduct a hearing upon notice to the director and the clerk of the county for which he serves. If, after such hearing, the commissioner

finds that the director has failed to comply with the provisions of this subdivision, such appointment shall be revoked and the appointing authority shall appoint a successor for the balance of the unexpired term, subject to all applicable provisions of this article. Such hearing shall be conducted within the county for which the director serves no later than thirty days after delivery of such notice. (3) In the event that a director shall have been unable to enroll in or complete such basic course of training and education for reasons beyond his or her control, the commissioner may issue a temporary certificate enabling the director to continue in office pending completion of such course at the earliest date when such course is next available as specified by the commissioner. The temporary certificate shall be filed by the director with the clerk of the county and shall permit the director to continue in office for the period set forth therein. Upon the expiration of such temporary certification and after a hearing as hereinabove provided, the appointment of the director shall be revoked unless the director has filed a certificate pursuant to this subdivision. The provisions of this paragraph with respect to revocation of appointment shall not apply to a director if upon his or her appointment or reappointment the commissioner certifies that he or she has completed the type of basic course of training and education which is then prescribed for the position to which he or she is appointed or reappointed.

f. Expenses in attending training courses. Notwithstanding the provisions of any other law, the travel and other actual and necessary expenses incurred by a director or a person appointed director for a forthcoming term in attending courses of training as required by this subdivision or as approved by the commissioner shall be a state charge upon audit by the comptroller. Notwithstanding the foregoing provisions of this paragraph, if the provider of a training course has asked the commissioner to approve the course for credit only, so that attendees who successfully complete the course would be entitled to receive credit without having their expenses reimbursed by the state, and the commissioner has agreed to do so, the travel and other actual and necessary expenses incurred by such attendees shall not be a state charge.

4. Special provisions for certain counties. In a county which on August first, nineteen hundred seventy has a county tax commission with members who serve for five-year overlapping terms and consisting of members who are required to represent more than one political party and having powers and duties which include a substantial part of the duties assigned by this article to the director of real property tax services and substantial additional duties with respect to real property taxation, the chief administrative officer of such commission, whether known as secretary or by some other title, shall exercise and perform the powers and duties assigned and imposed upon the director of real property tax services under this article, provided that the powers and duties assigned to him which are the same as the powers and duties assigned to such commission shall be exercised by him under the general direction of the commission. Such chief administrative officer shall have the same term of office as is prescribed in this article for a director of real property tax services and shall meet all of the requirements provided by this article with respect to qualifications and training of persons holding the office of director of real property tax services. Nothing in this article shall prohibit such county from adopting a local law making this article applicable to such county without regard to the provisions of this subdivision.

§ 1532. Powers and duties of director of real property tax services.

1. The director of real property tax services shall provide the following services to all cities and towns within the county to which this article is applicable:

(a) Prepare tax maps, maintain them in current condition, and provide copies thereof, in accordance with subdivision one of section five hundred three of this chapter;

(b) Provide advisory appraisals to cities and towns as required by section fifteen hundred thirty-six of this chapter;

(b-1) Provide appraisals and appear as an expert witness or designate qualified personnel within the office of real property tax services to appear as expert witnesses in court proceedings for cities and towns as authorized by section fifteen hundred thirty-six-a of this article;

(c) Advise the assessors on procedures for the preparation and

maintenance of assessment rolls, property record cards, appraisal cards and other records and documents relating to real property assessment and taxation;

(d) Provide appraisal cards in such form as shall be prescribed by the commissioner in quantity needed for use in the preparation of assessment records;

(e) Cooperate and assist in the training programs provided by the commissioner under this article;

(f) Provide administrative support, cooperation and assistance to acting boards of assessment review constituted pursuant to section five hundred twenty-seven of this chapter.

2. The director of real property tax services shall in addition:

(a) Provide the county equalization agency with such information from his office as may be useful in the operation of that agency;

(b) Coordinate any county-wide revaluation program;

(c) Prepare and furnish an annual report to the legislative body of the county, a copy of which shall be sent to the commissioner which report shall contain at least such information required by the legislative body of the county and the commissioner and prepare such additional reports as may from time to time be required by the legislative body of the county or the commissioner;

(d) Provide to the county clerk, upon request, the tax map identification numbers of all parcels identified by the clerk as within an agricultural district;

(e) Identify to the county clerk by tax identification number, those parcels within the county which have received agricultural assessments within the past year;

(f) Serve on any county agriculture and farmland protection board established in the county.

3. The director of real property tax services shall when authorized by resolution of the county legislative body:

(a) Assist in the disposition and sale of real property acquired by the county as a result of tax sale;

(b) Perform the duties imposed upon the recording officer of the county by section five hundred seventy-four of this chapter in relation

to reports of transfers of real property;

(c) Supply cities and towns with assessment rolls or other forms for use in connection with the preparation of assessment rolls or the collection of property taxes;

(d) Supervise the appraisal of property and the preparation of assessment rolls for those assessing units which have entered into agreements with the county pursuant to section fifteen hundred thirty-seven of this article.

(e) Perform or supervise the performance of data collection, sales verification, or other assessment-related services, pursuant to an agreement between the county and an assessing unit or the commissioner.

4. The director of real property tax services shall render such other related services pertaining to the assessment and taxation of real property as may be authorized by the legislative body of the county as are not inconsistent with the performance of his duties pursuant to this chapter or any general or special law.

5. Information regarding decedents provided by the commissioner to a county director of real property tax services pursuant to subsection (c) of section six hundred fifty-one of the tax law shall be used only for purposes of real property tax administration. The contents of the report may be shared with the assessor and tax collecting officer of the municipal corporation in which the decedent's former residence is located, and with the enforcing officer if such residence is subject to delinquent taxes. The information shall be deemed confidential otherwise, and shall not be subject to the provisions of article six of the public officers law.

§ 1536. County advisory appraisal service. 1. Types of property. The county shall provide to the cities and towns therein to which this article applies upon written request of the chief executive officer or assessor of such cities and towns advisory appraisals of moderately complex taxable properties, being properties where the appraisals require either the professional use of engineering skills or the development of earnings or economic analyses of substantial complexity.

The commissioner shall determine the specific types of property which are included within such description in accordance with section fifteen hundred forty-six of this article.

2. County appraisal personnel. The county shall employ appraisers and other technical personnel to make the advisory appraisals of such moderately complex properties. No person shall be employed by the county and assigned professional appraisal duties which relate to the assessment of real property for purposes of taxation unless he meets the minimum qualification standards established by the commissioner. Such appraisal personnel shall attend courses of training and education prescribed by the commissioner under this article.

3. County appraisal reports. Upon completion of an appraisal of real property pursuant to this section, the county director shall file a summary of the appraisal on forms prescribed by the commissioner with the assessor of the city or town in which the property is located, and where such property is located in a village a copy shall be filed with the assessor of the village. Such appraisal reports shall be in the form and shall contain such information as shall be prescribed by the commissioner. The original appraisal report shall be filed in the office of the director of real property tax services and shall be a public record. A copy of the original appraisal report shall be simultaneously filed with the commissioner.

4. Review by commissioner of county advisory appraisals. Any city or town assessor who receives from the county an advisory appraisal in accordance with the provisions of this section may apply to the commissioner for review of such appraisal if in his judgment the value of the property indicated by the appraisal appears to be unreasonable or inaccurate. Application for such review shall be made in accordance with the provisions of section fifteen hundred forty-eight of this chapter.

5. Apportionment of expense of county advisory appraisals. The expense of making advisory appraisals under this section may be levied upon the several cities and towns in the county in accordance with the cost of the appraisals of properties located in such cities and towns

respectively and such charge-back against the cities and towns in the county shall be deemed to be a county purpose.

6. Appraisals not binding on assessors. Advisory appraisals furnished pursuant to this section shall be considered by the assessor of the city or town in making assessments but shall not be binding upon him.

§ 1536-a. County appraisal service. 1. Types of property. Upon the adoption of a local law by a county providing therefor, the county may provide to the cities, towns and villages therein to which this article applies, upon written request of the chief executive officer or assessor of such cities, towns and villages, appraisals of real property.

2. County appraisal personnel. The county shall employ appraisers and other technical personnel to make the appraisals of such properties and provide expert testimony thereto. No person shall be employed by the county and assigned professional appraisal duties which relate to the valuation of real property for purposes of determining market value unless he or she meets the minimum qualification standards established by the commissioner. Such appraisal personnel shall attend courses of training and education prescribed by the commissioner under this article.

3. County appraisal reports. Upon completion of an appraisal of real property pursuant to this section, the county director shall file a copy of the appraisal with the assessor of the city or town in which the property is located, and where such property is located in a village a copy shall be filed with the assessor of the village. The original appraisal report shall be filed in the office of the director of real property tax services and shall be a public record after the exchange of appraisals pursuant to court rules or regulations.

4. Apportionment of expense of county appraisals. The expense of making appraisals under this section may be charged to the several cities, towns and villages in the county in accordance with the cost of the appraisals of properties located in such cities, towns or villages

respectively and such charges to the cities, towns and villages in the county shall be deemed to be a municipal purpose.

5. Appraisals not binding on assessors. Appraisals furnished pursuant to this section shall be considered by the assessor of the city, town or village in determining market value but shall not be binding upon him or her.

§ 1537. Optional county services. 1. (a) An assessing unit and a county shall have the power to enter into, amend, cancel and terminate an agreement for appraisal services, exemption services, assessment services, or assessment review services, in the manner provided by this section. Such an agreement shall be considered an agreement for the provision of a "joint service" for purposes of article five-G of the general municipal law, notwithstanding the fact that the county would not have the power to perform such services in the absence of such an agreement.

(b) Any such agreement shall be approved by both the assessing unit and the county, by a majority vote of the voting strength of each governing body.

(c) In the case of an assessing unit, no such agreement shall be submitted to the governing body for approval unless at least forty-five days prior to such submission, the governing body shall have adopted a resolution, subject to a permissive referendum, authorizing the assessing unit to negotiate such an agreement with the county; provided, however, that such prior authorization shall not be required for an agreement to amend, cancel or terminate an existing agreement pursuant to this section.

2. (a) An agreement between an assessing unit and a county for appraisal services shall provide for the county to appraise all real property within such assessing unit for assessment purposes.

(b) The county shall employ appraisers and other technical personnel to make the appraisals of such properties. No person shall be employed by the county and assigned professional appraisal duties which relate to the assessment of real property for purposes of taxation unless such

person meets the minimum qualification standards established by the commissioner. Such appraisal personnel shall attend courses of training and education prescribed by the commissioner.

(c) Such appraisals shall be completed no later than the taxable status date of the assessing unit, and shall be submitted by the county director to the assessor in the form and containing such information as shall be prescribed by the commissioner.

(d) Appraisals furnished pursuant to this section shall serve as the basis of the assessment of the property so appraised.

(e) Such an agreement may further provide that in any administrative or judicial proceeding to review an assessment which is based upon a county appraisal, the county shall provide such testimony and other evidence as may be necessary to defend such appraisal.

3. An agreement between an assessing unit and a county for exemption services shall provide for the county to review applications for exemption and determine the eligibility of the applicants for such exemptions. Such agreement may further provide that in any administrative or judicial proceeding to review an assessment in which the denial of an exemption is at issue, the county shall provide such testimony and other evidence as may be necessary to defend its denial of exempt status.

4. An agreement between an assessing unit and a county for assessment services shall provide for a person, other than the county director of real property tax services, to be selected by the assessing unit to perform assessment services in accordance with such agreement. Such person shall be deemed the assessor of the assessing unit and shall be subject to all provisions of law pertaining to assessors. Provided, however, that no such agreement for assessment services may be entered into by an assessing unit which has exercised the option to retain elective assessors pursuant to law.

5. An agreement between an assessing unit and a county for assessment review services shall provide for the members of the board of assessment review of the assessing unit to be appointed by the legislative body of the county upon the recommendation of the county director of the real

property tax services. Each member so appointed shall be a resident of the county but need not be a resident of the assessing unit. The board of assessment review as so constituted shall have the authority to receive, review and resolve petitions for assessment review filed in such assessing unit, and for the corrections of errors therein, to the full extent set forth in article five of this chapter.

§ 1538. Optional assignment of the responsibilities of the county director of real property tax services by the county of Rockland.

Notwithstanding sections fifteen hundred thirty, fifteen hundred thirty-two, fifteen hundred thirty-six, and fifteen hundred thirty-seven of this title, the county of Rockland may assign other county officials the powers and duties of the director of real property tax services granted to such director pursuant to this title. Such county officials shall be appointed and have the same terms and conditions of office as the director of real property tax services and shall meet all of the qualifications, training, orientation, and interim certification requirements as the director of real property tax services pursuant to this title. All powers, duties and other requirements of the director of real property services pursuant to this title shall be assigned to such appropriate county officials appointed pursuant to this section. All reports or other information required to be filed in the office of the director of real property tax services pursuant to this title shall be filed in the office of the appropriate official assigned to receive such material by the county of Rockland. If the county of Rockland chooses to avail itself of this section: (1) it must assign all of the powers and duties of the director of real property services pursuant to this title to other county officials; (2) the officials appointed by the county to fulfill the powers and duties of the director of real property tax services must meet all of the qualifications, training, orientation, and interim certification requirements, and uphold all of the responsibilities of the director of real property tax services pursuant to this title; and (3) it shall not be required to maintain a real property tax service agency.

TITLE 2
**COUNTIES HAVING POWER TO ASSESS PROPERTY
FOR TAX PURPOSES**

Section 1540. Counties having power to assess property for tax purposes.

§ 1540. Counties having power to assess property for tax purposes. A county having power to assess property for tax purposes shall be subject to the provisions of this article in the same manner as if it were a city or town to which this article applies. Such county shall prepare appraisals of properties in the county which would be eligible for county appraisals and shall file the original appraisal report in the office of the county assessor and a copy with the commissioner as provided in subdivision three of section fifteen hundred thirty-six of this chapter. The provisions of subdivision four of such section with respect to review of such appraisals by the commissioner shall be applicable except that the application for review shall be filed by the chief executive officer of the city or town in which the appraised property is located. In addition, such county shall prepare and maintain approved tax maps in current condition pursuant to the provisions of section five hundred three of this chapter and shall provide copies of such maps to cities, towns and villages in the county that have power to assess property for purposes of taxation. The powers and duties imposed on counties by this article with respect to providing services and other assistance to cities and towns shall not apply to such county except as provided in this section with respect to tax maps and such county shall not be required to establish a real property tax service agency. Such county shall receive the services provided to counties, cities and towns by the commissioner pursuant to this article.

TITLE 3
STATE SERVICES TO COUNTIES, CITIES, TOWNS AND VILLAGES

Section 1544. State advisory appraisal service.

1546. Determination of specific types of property eligible for advisory appraisals by state or county.

1548. Review of county advisory appraisals.

1550. Minimum qualification standards for county directors of real property tax services and appraisal personnel.

§ 1544. State advisory appraisal service. 1. The commissioner shall provide upon written request of the chief executive officer or assessor of a village, city, town or county which conducts a revaluation or update program as defined in section one hundred two of this chapter advisory appraisals of (1) highly complex properties, being properties where the appraisals require either the professional use of highly specialized engineering skills or the development of earnings or economic analyses of a high degree of complexity and (2) taxable public utility property located in such village, city, town or county.

2. The commissioner may require from any person, association, partnership or corporation operating a public utility in the state which is subject to the jurisdiction of the state department of public service or a regulatory agency of the United States government reports in such form and containing such information and data as the commissioner may prescribe for the purpose of making such appraisals as may be necessary pursuant to this article and article twelve of this chapter. If a person, association, partnership or corporation fails to furnish a report required by the commissioner to be furnished pursuant to this subdivision, the commissioner may commence a special proceeding in the supreme court to compel such person, association, partnership or corporation to furnish such report.

3. The commissioner may request a director of real property tax services in a county to provide such preliminary data and information with respect to parcels eligible for advisory appraisals pursuant to this section as the commissioner may prescribe for the purpose of preparing the appraisals required by this section.

4. Advisory appraisals furnished pursuant to this section shall be considered by the assessor in making assessments but shall not be binding upon him.

§ 1546. Determination of specific types of property eligible for advisory appraisals by state or county. The commissioner shall determine the specific types of property which are included in the descriptions of moderately and highly complex properties eligible for advisory appraisals as provided in sections fifteen hundred thirty-six and fifteen hundred forty-four of this article, considering in addition to other pertinent factors the level of appraisal skills required of assessors and other appraisal personnel of the respective counties, cities, towns and villages under the minimum qualification standards established in accordance with the provisions of this article.

§ 1548. Review of county advisory appraisals. The commissioner shall review upon application by the chief executive officer or assessor of a city or town an advisory appraisal duly made and provided to it by the county pursuant to section fifteen hundred thirty-six of this article. Application for such review shall be made in such form and contain such information as may be prescribed by the commissioner. Upon completion of such review by the commissioner, the commissioner shall send copies of its determination to the county assessor or the county director of real property tax services and to the assessor of the city or town in which the property is located. In the event such property is also located within a village a copy of such determination shall be sent to the assessor of such village.

§ 1550. Minimum qualification standards for county directors of real property tax services and appraisal personnel. 1. The commissioner shall establish for counties to which this article applies minimum qualification standards for appointments to the position of county director of real property tax services and other administrative positions having professional appraisal duties relating to the assessment of real property for purposes of taxation. Such standards shall be set forth in rules and regulations promulgated by the commissioner.

2. The commissioner shall provide training programs in accordance with the provisions of this title. Counties shall cooperate with the commissioner in providing such programs.

TITLE 4

APPLICATION OF ARTICLE; ADOPTION OF LOCAL LAWS

Section 1558. Adoption of local laws.

1560. Inconsistent laws inapplicable.

1562. Local governments to which article applies.

§ 1558. Adoption of local laws. No "charter law," as such term is defined in section thirty-two of the municipal home rule law, nor local law shall be adopted which is inconsistent with the provisions of this article. No local law adopted pursuant to the provisions of this article shall be subject to a mandatory or permissive referendum.

§ 1560. Inconsistent laws inapplicable. Provisions of all general, special, local or other laws which are inconsistent with the provisions of this article shall be inapplicable to counties, cities and towns to which this article applies but if not inconsistent shall apply to such counties, cities and towns.

§ 1562. Local governments to which article applies. a. This article shall apply to all counties except counties wholly within a city and all cities and towns in the state except (1) a city with a population of five million or more, (2) a city or town in a county having the power to assess property for purposes of taxation.

b. Notwithstanding the provisions of this section, any provisions of this act with respect to state assistance for the preparation and updating of tax maps shall be applicable to any city with a population of five million or more.

ARTICLE 15-B

STATE AID FOR IMPROVED REAL PROPERTY TAX ADMINISTRATION

- Section 1570. Standards of real property tax administration.
1573. State assistance for the maintenance of a system of improved real property tax administration.
1574. Application of article.
1575. Annual report.

§ 1570. Standards of real property tax administration. 1. For purposes of this article, on or before January first, nineteen hundred seventy-eight, the commissioner shall promulgate rules and regulations establishing minimum standards for a system of real property tax administration to include but not be limited to:

- (a) the collection and maintenance of real property valuation data;
- (b) the maintenance of records of transfers of real property;
- (c) the preparation of assessment rolls;
- (d) the full disclosure to owners of real property as to the estimated effect of any changes in the assessed valuation of real property;
- (e) the preparation of tax rolls and tax bills; and
- (f) a system of accounting for the collection of real property taxes.

2. For purposes of paragraphs (e) and (f) of subdivision one of this section, such rules and regulations shall be promulgated only after consultation with the department of audit and control.

3. The commissioner may provide technical services to an assessing unit or to a county acting on behalf of any or all assessing units within such county to assist in the implementation of a system of real property tax administration which conforms to the standards established pursuant to subdivision one of this section. Such services may include the provision of electronic data processing time and programs and the provision of advice and assistance in the managing of contracts for electronic data processing services.

§ 1573. State assistance for the maintenance of a system of improved real property tax administration. 1. State assistance shall be paid to an assessing unit or a county assessing on behalf of an assessing unit, upon determination by the commissioner that: (a) the assessing unit has satisfied standards of quality assessment administration, as established by the commissioner pursuant to regulations promulgated by the commissioner, subject to the approval of the director of the budget and has implemented a revaluation pursuant to an approved plan as provided in this subdivision;

(b) the revaluation is at one hundred percent of value; however, in special assessing units the revaluation or update of assessments must be at a uniform percentage of value for each class;

(c) the revaluation was implemented pursuant to a plan, approved pursuant to the rules of the commissioner, of not less than four years that provides, at a minimum, for a revaluation in the first and last year of such plan, but in no case less than once every four years, and for inventory data to be collected at least once every six years;

(d) the assessing unit has adopted a taxable status date subject to the provisions of section three hundred two of this chapter, and has adopted a valuation date subject to the provisions of section three hundred one of this chapter;

(e) the assessing unit has provided a set of supporting valuation documents and files to the commissioner; and

(f) the assessing unit has provided a computer copy of assessment, inventory and sales files in a standardized format to the commissioner.

2. (a) State assistance pursuant to subdivision one of this section shall be payable in an amount not to exceed five dollars per parcel for an assessment roll upon which a revaluation is implemented in accordance with an approved plan, and not to exceed two dollars per parcel for any assessment roll upon which a revaluation is not implemented in accordance with an approved plan. The amount payable on a per parcel basis shall exclude parcels which are wholly exempt or assessed by the commissioner.

(b) Any assessing unit that fails to implement a revaluation as prescribed in an approved plan shall remit to the state the full amount of any state aid received pursuant to this subdivision for the

assessment rolls following the one upon which the most recent revaluation was implemented.

(c) Nothing herein shall be deemed to prevent an assessing unit from withdrawing from an approved plan. Any assessing unit that does so shall only be responsible for remission of per parcel payments for non-revaluation years.

(d) No grant awarded to any individual assessing unit in any given year pursuant to this subdivision shall exceed five hundred thousand dollars.

3. Consolidated, coordinated and county assessment programs. (a) State assistance shall be payable in a one-time payment of up to seven dollars per parcel to each constituent municipality of a consolidated assessing unit created pursuant to section one thousand six hundred two of this chapter, to each assessing unit participating in a coordinated assessment program pursuant to section five hundred seventy-nine of this chapter, and to each assessing unit constituting an entire county that is first established after April first, nineteen hundred ninety-six. State assistance shall also be payable in a one-time payment of up to two dollars per parcel to each assessing unit constituting an entire county that was first established before April first, nineteen hundred ninety-six and that has completed a revaluation or an update implemented on an assessment roll having assessments at one hundred percent of value and finalized subsequent to the nineteen hundred ninety-six calendar year. However, no constituent municipality of a consolidated assessing unit or assessing unit participating in a coordinated assessment program shall be eligible for aid pursuant to this paragraph in excess of one hundred forty thousand dollars, and no county assessing unit shall be eligible to receive payments in excess of the sum of all payments that would otherwise be payable to its municipalities if they were constituent municipalities of a consolidated assessing unit. Upon completion of the first assessment roll produced pursuant to either section five hundred seventy-nine or section one thousand six hundred two of this chapter, produced by a county assessing unit first established before April first, nineteen hundred ninety-six and that has completed a revaluation or an update implemented on an assessment roll having assessments at one hundred percent of value and finalized

subsequent to the nineteen hundred ninety-six calendar year, or produced by a county assessing unit established after April first, nineteen hundred ninety-six, such assessing unit or assessing units may apply to the commissioner for assistance pursuant to this paragraph. Any assessing unit or municipality having received state assistance pursuant to this paragraph in one year shall not be eligible to receive such state assistance in another year.

(b) Where an assessing unit or assessing units have implemented a revaluation or an update upon the first assessment roll produced pursuant to either section five hundred seventy-nine or one thousand six hundred two of this chapter, or subsequent to becoming a county assessing unit first established after April first, nineteen hundred ninety-six, or in the case of a county assessing unit that was first established before April first, nineteen hundred ninety-six that has completed a revaluation or an update implemented on an assessment roll having assessments at one hundred percent of value and finalized subsequent to the nineteen hundred ninety-six calendar year, such assessing unit or assessing units may also make application and qualify for state assistance as provided in subdivision two of this section.

(c) If a consolidated assessing unit or a coordinated assessment program should be expanded after state assistance pursuant to paragraph (a) of this subdivision has been paid to the assessing units participating in the original program, additional state assistance shall be payable only to the assessing unit or units to be added to the program, and only upon satisfactorily producing the first assessment roll or rolls completed after the assessing unit or units have been so added.

(d) Termination of or withdrawal from a program. If an assessing unit, after having received state assistance pursuant to paragraph (a) of this subdivision, reverts to separate assessment within ten years after the receipt of such aid, such assessing unit shall remit to the state a prorated portion of the aid received, except that in the case of a county assessing unit, if a city or town therein reverts to separate assessment within ten years after the county's receipt of such aid, the county shall remit to the state a prorated portion of the aid received.

3-a. Optional county services. When a county has entered into an

agreement with one or more assessing units pursuant to section fifteen hundred thirty-seven of this chapter to provide appraisal services, exemption services or assessment services to an assessing unit, or pursuant to paragraph (e) of subdivision three of section fifteen hundred thirty-two of this chapter to provide data collection, sales verification, or other assessment-related services to an assessing unit, state assistance may be payable in a one-time payment of up to one dollar per parcel to such county, subject to appropriation by the legislature.

4. Upon approval of an application for state assistance pursuant to this section, the commissioner shall compute, apportion and certify to the state comptroller the amounts payable. Such state assistance shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved as prescribed by law out of moneys appropriated by the legislature for such purpose.

In no event shall aid be granted to an assessing unit which fails to meet the criteria set forth in subdivision one of this section, with respect to the assessment year for which the application is made. However, an assessing unit which implements a revaluation or update of assessments for an assessment roll finalized on or after the first day of January, nineteen hundred ninety-six will be presumed to satisfy the assessment uniformity standards for the year of the implementation of the revaluation or update and the two succeeding years.

5. Valuation data and the assessment, inventory and sales files furnished to the commissioner pursuant to subdivision one of this section shall become available to the commissioner for both the improvement of real property tax administration and to fund state and local real property tax administration.

§ 1574. Application of article. This article shall apply to all counties, cities and towns in the state.

§ 1575. Annual report. The commissioner shall submit a comprehensive report to the governor, the president pro tem of the senate and the speaker of the assembly annually beginning March thirty-first, nineteen hundred ninety-seven, concerning the effectiveness of all financial, administrative and technical incentives and assistance provided by the state for the improvement of property tax administration and the commissioner's recommendations relating to such incentives and assistance.

ARTICLE 15-C

SYSTEMS OF REAL PROPERTY TAX ADMINISTRATION UTILIZING ELECTRONIC DATA PROCESSING

Section 1580. Legislative findings.

1581. Definitions.

1582. Form of rolls; delivery.

1584. Attachment to rolls.

1588. Posted tax roll.

1590. Data files; retention; submission to commissioner.

1592. Rules and regulations.

1594. Application of article.

§ 1580. Legislative findings. The legislature hereby finds that many municipalities now employ electronic data processing equipment in their administration of the real property tax. Most of the statutes which currently govern the preparation of assessment rolls, tax rolls and tax bills were enacted prior to the development of the computer and its implementation in real property tax systems. As such, these laws, while still appropriate in the case of manually prepared rolls and bills, often serve as impediments to the use of modern technology.

The purpose of this article is to eliminate these impediments while preserving the substance of the law in regard to matters such as public access, security of information, and the retention of assessment and taxation records. Related amendments have also been made to various sections of this chapter, the town law and the village law.

§ 1581. Definitions. For purposes of this article:

1. "Data file" means the compilation of assessment information used in the preparation of assessment rolls, tax rolls, tax bills or any combination thereof, in a system of real property tax administration which employs electronic data processing equipment.

2. "Electronic data processing" means the use of the computer for operations which include the storing, retrieving, sorting, merging, calculating and reporting of data.

3. "Machine readable" means information in a form legible through the use of mechanical devices.

4. "Posted tax roll" means a tax roll including the date of payment of a tax, any receipt number and related information.

§ 1582. Form of rolls; delivery. 1. Assessment rolls and tax rolls may be prepared by means of electronic data processing, and may be prepared in any form which can be made readily available in legible form. If an assessment roll or tax roll is machine readable only, the office in which that roll is filed must have a sufficient number of machines to ensure ready public access and the staff to assist the public in use of the machines, whenever the roll is required by law to be available for public inspection.

2. Where a provision of law requires the delivery of an assessment roll or tax roll and there is agreement between the recipient and the person or body responsible for the delivery, the data file which includes the information necessary to the preparation of the roll may be delivered in lieu of the document itself.

§ 1584. Attachment to rolls. In any case in which this chapter

requires a document to be attached or annexed to an assessment roll or tax roll, and such roll is prepared in machine readable form only, those requirements shall be deemed satisfied if the document is filed at the time required by law and kept with the assessment roll or tax roll. The roll must include a statement to the effect that the document or documents are on file and where they are filed.

§ 1588. Posted tax roll. Notwithstanding any provision of law to the contrary, information regarding date of payment of taxes, the receipt number and related information need not be posted on the tax roll or other printed record of payment if that information is entered into the data file and retained by means of electronic data processing. This information must be stored so that it can be made readily available to the public in legible form. At the conclusion of the period for the redemption of property from taxes which become a lien on such roll, a copy of the posted tax roll shall be produced in either a paper format or archival quality microform and be permanently retained as a public record.

§ 1590. Data files; retention; submission to commissioner. 1. (a) A municipal corporation, other than a school district or a village, which prepares assessment rolls by means of electronic data processing, shall annually submit to the commissioner the data files used in the preparation of each tentative and final assessment roll and summaries of the information from the final assessment roll including as a minimum the number of parcels, the total assessed value thereof, and the total taxable assessed value thereof. Such information shall be submitted within ten days of the time of filing the tentative or final assessment roll, as provided for pursuant to section five hundred six or five hundred sixteen of this chapter or such other law as may be applicable.

(b)(i) In addition, if the assessing unit maintains a website, then within ten days of the filing of the tentative assessment roll, it shall post a copy of such roll on its website, with a link thereto prominently displayed on its home page, and shall not remove the same before the final assessment roll has been filed. In lieu of posting a copy of such

roll on its website, the assessing unit may cause such copy to be posted on the website of the county in which it is located for the same period of time as otherwise required by this subdivision, provided that a link thereto shall be prominently displayed on the website of the assessing unit.

(ii) If the assessing unit does not maintain a website, then, within ten days of the filing of the tentative assessment roll, it shall cause a copy of such roll to be posted on the website of the county in which it is located for the same period of time as otherwise required by this subdivision.

(c) Within ten days of the filing of the final assessment roll, the assessing unit shall cause a copy of such final roll to be posted either on its own website or on the county's website, in the same manner and subject to the same conditions as provided in paragraph (b) of this subdivision.

2. Data files used in the preparation of a tentative assessment roll or a posted tax roll, including a posted school tax roll, shall be retained by the assessing unit, tax levying body or the municipal corporation responsible for preparation of the roll, for a minimum of three years from the date of the filing of that roll.

3. Each municipal corporation shall submit to the commissioner the data files used to prepare its tax rolls and tax bills no later than ten days after the annexation of the warrant for the collection of taxes for the applicable fiscal year, or where no such warrant is annexed, no later than ten days after the last date prescribed by law for the levy of taxes of the applicable fiscal year, provided that if its tax rolls or tax bills, or both, are prepared by a different governmental entity, that entity shall be jointly responsible for submitting the applicable data files to the commissioner.

§ 1592. Rules and regulations. The commissioner may promulgate rules and regulations necessary to the implementation of this article.

§ 1594. Application of article. This article shall apply to all municipal corporations.

ARTICLE 16

CONSOLIDATED ASSESSING UNITS

Section 1600. Statement of purpose.

1602. Establishment of consolidated assessing units.

1604. Board of directors constituted.

1606. Powers of board of directors.

1608. Adoption of operating budget.

1610. Assessor.

1612. Board of assessment review.

1614. Special procedures applicable to a consolidated assessing unit.

1616. Local options not relinquished.

1618. Equalization.

1620. Role of commissioner.

1622. Dissolution of consolidated assessing unit.

1624. Construction of article.

§ 1600. Statement of purpose. The purpose of this article is to establish a mechanism by which two or more assessing units may consolidate their assessment functions and thereby provide quality assessment services to all their taxpayers at a reasonable cost.

§ 1602. Establishment of consolidated assessing units. 1. The governing bodies of two or more assessing units, except villages, are hereby authorized to establish a consolidated assessing unit for the purposes hereinafter stated and in the manner hereinafter provided.

2. A consolidated assessing unit shall be established upon the passage of an identical local law by each city and town which is to join the consolidated assessing unit. Such a local law shall be subject to permissive referendum and must be adopted by all affected cities and

towns at least two months before the first taxable status date to which it is to apply. A copy of each such local law shall be filed with the commissioner within thirty days of the adoption thereof.

3. Each such local law shall provide that a revaluation shall be implemented on the first assessment roll of the consolidated assessing unit, unless (a) the commissioner certifies that each of the cities and towns establishing the consolidated assessing unit has implemented a revaluation or update, and (b) each such revaluation or update shall be no more than three years old as of the first taxable status date of the consolidated assessing unit.

4. The dates applicable to the assessment process in a consolidated assessing unit, including valuation date, taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be as provided in articles three and five of this chapter, except as otherwise provided in this article.

5. For purposes of this article, the cities and towns which have established a consolidated assessing unit shall be referred to as the "constituent municipalities" of the consolidated assessing unit.

§ 1604. Board of directors constituted. 1. A consolidated assessing unit shall be administered by a board of directors consisting of at least four members, each of whom shall be appointed by the governing body of a constituent municipality. Each constituent municipality shall have at least one appointee on such board. If the local laws establishing the consolidated assessing unit so provide, the constituent municipalities need not have the same number of appointees. The board of directors shall meet at least once in each calendar quarter.

2. No director shall be an employee of a constituent municipality, but a director may be an elected official of a constituent municipality. No director shall receive any salary or other compensation from the consolidated assessing unit, but a director shall be entitled to reimbursement for actual and necessary expenses incurred in the

performance of his or her duties as a director.

3. Each director shall take an oath of office prior to service as a director. The term of office of a director shall be two years.

4. (a) The board of directors shall choose from among themselves a chairperson, a secretary and, if deemed necessary, a vice-chairperson, who shall serve in such capacity at the pleasure of the board.

(b) The chairperson shall preside over meetings of the board of directors, and shall forward to the directors relevant information, including materials necessary to prepare for meetings.

(c) The secretary shall provide for public notice of the time and place of each meeting, shall keep full and accurate records of each meeting, shall file a copy of such minutes in the office or offices of the assessor so that they are available for public inspection, shall furnish a copy of such minutes and other relevant materials to the constituent municipalities, and shall accept service of legal process, including service of a petition to review an assessment pursuant to section seven hundred eight of this chapter.

(d) The directors may appoint an assistant who shall perform such duties as are necessary to enable directors to properly and efficiently carry out the provisions of this article. The compensation of such assistant shall be set by the constituent municipalities when approving the operating budget for the consolidated assessing unit.

(e) The vice-chairperson shall act on behalf of the chairperson in the event that the chairperson is absent or unable to perform his or her duties.

§ 1606. Powers of board of directors. 1. The board of directors of a consolidated assessing unit shall have the same powers and duties that governing bodies of city and town assessing units have in relation to real property tax administration, including, but not limited to:

(a) Appointing the assessor and members of the board of assessment review of the consolidated assessing unit.

(b) Establishing minimum qualification standards for the office of assessor and for members of the board of assessment review, provided

that such standards shall be at least equal to those established by the commissioner pursuant to this chapter.

(c) Establishing the uniform percentage of value at which real property in the consolidated assessing unit shall be assessed.

(d) Establishing general policy with regard to the operations and procedures of the consolidated assessing unit, including, but not limited to, such matters as: assessment office location; public access to meetings and records; public information; defense of assessments in judicial proceedings; and revenue generation.

2. The board of directors shall have no authority to review the valuation or exempt status of any individual parcel as established by the assessor or the board of assessment review.

§ 1608. Adoption of operating budget. 1. Each consolidated assessing unit shall adopt an operating budget and submit the same to each constituent municipality no later than September first of each year, or in Westchester county, no later than October first of each year. Such budget must be approved or disapproved by a majority of the constituent municipalities within twenty-five days of such submission. If the budget is disapproved, the consolidated assessing unit must submit a revised budget to the constituent municipalities for approval or disapproval within ten days of such disapproval. Such revised budget must be approved or disapproved by a majority of the constituent municipalities within fifteen days of such submission.

2. The local laws establishing the consolidated assessing unit may contain an identical formula or method for allocating the budgetary expense of the consolidated assessing unit among the constituent municipalities. In the absence of such a formula or method, the budgetary expense shall be allocated in proportion to the number of parcels in each constituent municipality. Such allocation of the budgetary expense shall be included in the ensuing budget of the constituent municipalities prior to any public hearing on the municipal budget. The governing body of each constituent municipality is hereby authorized to appropriate and raise by taxation money for the expenses

of the consolidated assessing unit, and the consolidated assessing unit is hereby empowered to receive and expend the funds so allocated from its constituent municipalities.

3. Revenues raised by the consolidated assessing unit shall be used to offset the costs of generating the revenue and to enhance assessment improvement efforts. Provision shall be made within the annual operating budget for the collection of revenue. The board of directors shall determine the allocation and disbursement of revenues received.

4. The constituent municipalities shall not be responsible for any expense incurred by such consolidated assessing unit except pursuant to contract with the consolidated assessing unit or pursuant to an operating budget approved by a majority of the constituent municipalities.

5. In furtherance of the purposes of this article, such consolidated assessing unit may receive and expend grants from private foundations or agencies and may apply for and accept grants from the federal government or the state government and otherwise enter into other contracts for provision of assessment related services. Such consolidated assessing unit shall only accept grants, donations or subsidies in accordance with such reasonable conditions and requirements as may be imposed or approved by the board of directors.

6. Every consolidated assessing unit shall make a financial report to the governing body of each constituent municipality at least quarterly.

§ 1610. Assessor. 1. The assessor of a consolidated assessing unit shall prepare the assessment roll for the consolidated assessing unit.

2. The assessor of a consolidated assessing unit shall have the powers and duties generally applicable to assessors, including, but not limited to:

- (a) Valuing real property for purposes of taxation;
- (b) Determining the exempt status of real property;

- (c) Assessing real property at the uniform percentage of value prescribed by the board of directors;
- (d) Preparing and maintaining property records;
- (e) Issuing notices to taxpayers as required by law;
- (f) Appearing before the board of assessment review at its meetings to hear complaints on assessments;
- (g) Being available to taxpayers to explain assessments;
- (h) Developing and distributing public information about assessments; and
- (i) Hiring personnel.

§ 1612. Board of assessment review. 1. The board of assessment review of a consolidated assessing unit shall have the powers and duties set forth in title one-A of article five of this chapter, subject to the following:

(a) The board of directors shall determine the number of members on the board of assessment review, which number shall be at least three and no greater than seven.

(b) The members shall be appointed by the board of directors.

(c) The board of directors shall establish minimum qualification standards for members of the board of assessment review, provided that such standards shall be at least equal to those established by the commissioner pursuant to this chapter.

(d) The board of directors may appoint temporary members to the board of review to serve on administrative hearing panels in the manner provided in section five hundred twenty-three-a of this chapter.

2. Members of the board of assessment review shall be entitled to reimbursement for actual expenses. In addition, the board of directors may adopt a resolution providing that the members of the board of assessment review shall be paid for their respective services. Such resolution, if adopted, shall fix the amount of such compensation.

§ 1614. Special procedures applicable to a consolidated assessing unit. 1. Consolidated assessment roll. The assessment roll for a

consolidated assessing unit shall be a single assessment roll pertaining to all property in the consolidated assessing unit. Where any provision of law makes reference to the assessment roll of a constituent municipality, that provisions shall be deemed to refer to the portion of the assessment roll applicable to the constituent municipality, unless the context requires otherwise.

2. Tentative assessment roll. The tentative assessment roll shall be filed as required by section five hundred six of this chapter, except:

(a) Upon completion of the tentative assessment roll, the assessor shall file the original tentative assessment roll in his or her office and shall file a copy of the tentative assessment roll, or the applicable portion thereof, with the clerk of each constituent municipality.

(b) Notice of completion of the tentative assessment roll shall be published in at least one newspaper in each constituent municipality.

3. Complaints with respect to assessments. The board of assessment review, or a duly designated hearing panel thereof, shall meet at least once each year in each constituent municipality to hear complaints with respect to assessments. The dates of such meetings shall be established by the board of directors of the consolidated assessing unit, provided that the first dates established shall be no earlier than the fourth Tuesday in May and no later than the second Tuesday of June.

4. Final assessment roll. The final assessment roll shall be filed as required by section five hundred sixteen of this chapter, except:

(a) The assessor shall file the original final assessment roll with the clerk of the county legislative body, as required by section five hundred sixteen of this chapter, and shall file a certified copy of the final assessment roll, or the applicable portion thereof, with the clerk of each constituent municipality.

(b) Notice of completion of the final assessment roll shall be published in the newspaper of each constituent municipality.

5. Judicial review. Any proceeding to review an assessment pursuant to article seven of this chapter shall be maintained against the assessor

either by naming him or her individually or by using the official name of the consolidated assessing unit, as provided by section seven hundred four of this chapter. In addition to the requirements of section seven hundred eight of this chapter, a copy of the petition and notice served upon the consolidated assessing unit shall be served upon the clerk of each constituent municipality. The constituent municipality shall not be deemed to have been made a party to the proceeding thereby, but shall be entitled to intervene therein at the discretion of the court, to the extent provided by law. In the event a refund is ordered, the amount to be refunded shall be charged to the appropriate county, city, town, village, school district and special district, in the manner prescribed by section seven hundred twenty-six of this chapter.

§ 1616. Local options not relinquished. Nothing in this article shall be construed so as to remove from the governing body of a constituent municipality the right to exercise any option which this chapter or any other law confers upon a governing body of a city or town in relation to the taxable status of real property.

§ 1618. Equalization. 1. The commissioner shall establish equalization rates for a consolidated assessing unit in the manner provided by article twelve of this chapter, except as otherwise provided by this section.

2. Once the first final assessment roll of a consolidated assessing unit has been completed and filed, each market value survey commenced thereafter shall be conducted with respect to the consolidated assessing unit as a whole, rather than with respect to the constituent municipalities.

3. Beginning with the first equalization rate which is based upon a market value survey of a consolidated assessing unit as a whole, the commissioner shall establish equalization rates for the consolidated assessing unit as a whole, and shall not establish such rates for the constituent municipalities.

4. For purposes of the review and establishment of an equalization rate for a consolidated assessing unit, the consolidated assessing unit shall have the rights that would otherwise be applicable to a city or town, including:

(a) The notice of completion of the tentative equalization rate for the consolidated assessing unit shall be directed to the consolidated assessing unit.

(b) The consolidated assessing unit shall be entitled to file a complaint with respect to such rate.

(c) The certificate of final equalization rate for a consolidated assessing unit shall be filed with the consolidated assessing unit.

5. When the commissioner has established a final equalization rate for a consolidated assessing unit as a whole, school district and county taxes within the consolidated assessing unit shall be apportioned without the use of equalization rates, notwithstanding the provisions of articles eight and thirteen of this chapter.

§ 1620. Role of commissioner. The commissioner shall facilitate the establishment and operation of a consolidated assessing unit, and shall prepare manuals relating to the procedures and duties of a consolidated assessing unit.

§ 1622. Dissolution of consolidated assessing unit. 1. Any constituent municipality may withdraw from the consolidated assessing unit by local law, provided that such withdrawal shall be effective no sooner than one year after the date on which such local law shall have been filed with the department of state.

2. Upon the adoption of a local law of withdrawal by any constituent municipality, the consolidated assessing unit shall be dissolved sixty days after the filing and completion of the next ensuing final assessment roll. In order for the remaining cities and towns to remain eligible for the benefits of this article thereafter, a new consolidated

assessing unit must be created in the manner prescribed by this article.

§ 1624. Construction of article. 1. The provisions of this article shall be construed liberally, it being the intention of the legislature that the creation of consolidated assessing units should be encouraged.

2. For purposes of any law pertaining to assessment administration or related matters, including public access to records, a reference to a "municipal corporation," a "municipality," a "local government," a "city or town," or a similar reference shall be construed to include a consolidated assessing unit as well, unless the context requires otherwise.

ARTICLE 18

PRESERVATION OF CLASS SHARE OF TAXES IN MUNICIPAL CORPORATIONS EXCEPT COUNTIES WITHIN A CITY, INCLUDED WITHIN THE BOUNDARIES OF A SPECIAL ASSESSING UNIT AND LIMITATION ON INCREASES IN ASSESSMENTS THEREIN

Section 1801. Definitions.

1802. Classification of real property in a special assessing unit.

1803. Base proportions and adjusted proportions; determinations.

1803-a. Adjusted base proportions; determination.

1803-b. Allocation of taxes among classes.

1804. Commissioner certifications.

1805. Limitation on increases of assessed value of individual parcels.

1805-a. Assessment of real property damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve in a city having a population of one million or more.

1805-b. Assessment of real property damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve in a special assessing unit that is not a city.

§ 1801. Definitions. (a) "Special assessing unit" means an assessing unit with a population of one million or more.

(b) "Residential real property" means improved real property used primarily for residential dwelling purposes including farm dwellings.

(c) "Utility real property" for the purposes of this article means the real property, including special franchises, of persons and corporations subject to the supervision of the state department of public service, the state department of transportation, or any other regulatory agency of the state or federal government, used in the generation, storage, transmission, distribution or sale of gas, electricity, steam, water, refrigeration, cable television, telephone or telegraph service, delivered through mains, pipes, cables, lines or wires, provided, however, that "utility real property" shall not include the types of real property, property or land described in paragraph (a) or (b) of subdivision twelve of section one hundred two of this chapter owned by such persons and corporations.

(d) "Portion" means the part of a special assessing unit, except a county included within a city, included within the boundaries of a city, village which has adopted the provisions of subdivision three of section fourteen hundred two of this chapter, town, town excluding all villages therein, school district, or a special district which encompasses an entire special assessing unit with the exception of one or more entire cities or villages.

(e) "Class" means any of the classes defined in subdivision one of section eighteen hundred two of this article.

(f) "Base proportion" means either: (1) for a special assessing unit which is not a city, the proportion of the taxable assessed value of real property which each class constituted of the total taxable assessed value of all real property as entered on the final assessment roll completed and filed in calendar year nineteen hundred eighty-one of such special assessing unit or on the part of that assessment roll applicable to a portion of the special assessing unit, except that for town and county special districts not included within the definition of portion, the applicable roll shall be that which was completed and filed in

calendar year two thousand one, or (2) for a special assessing unit which is a city, the proportion of the taxable assessed value of real property which each class constituted of the total taxable assessed value of all real property as entered on the final assessment roll completed and filed in calendar year nineteen hundred eighty-four, and as adjusted to account for properties exempted under section four hundred fifty-eight of this chapter to the extent such properties are taxable for education purposes, provided, however, that the taxable assessed value of real property subject to a transition assessment pursuant to subdivision three of section eighteen hundred five of this article shall be determined from the lesser of the transition assessment or actual assessment.

(g) "Adjusted proportion" means any proportion established in accordance with subdivision two of section eighteen hundred three of this article.

(h) "Adjusted base proportion" means any proportion established in accordance with section eighteen hundred three-a of this article.

(i) "Market value survey" means studies completed by the commissioner pursuant to article twelve or twelve-A of this chapter.

(j) "Tax" means for the purposes of this article a charge imposed upon real property by or on behalf of a county, city, town, village, town or county special district, or school district for municipal or school district purposes. For purposes of this article, a county special assessment levied in a zone of assessment pursuant to subdivision three of section four of chapter six hundred eighty-five of the laws of two thousand three shall be considered a tax.

(k) "Local base proportion" means the adjusted proportion determined by the legislative body of a special assessing unit for each class and for each class within each portion included within its boundaries for assessment rolls completed in nineteen hundred ninety.

(l) "Zone of assessment" shall, for purposes of a special assessing unit that is not a city, have the meaning set forth in paragraph (f) of subdivision one of section four of chapter six hundred eighty-five of the laws of two thousand three.

§ 1802. Classification of real property in a special assessing unit.

1. All real property, for the purposes of this article, in a special assessing unit shall be classified as follows:

Class one: (a) all one, two and three family residential real property, including such dwellings used in part for nonresidential purposes but which are used primarily for residential purposes, except such property held in cooperative or condominium forms of ownership other than (i) property defined in subparagraphs (b) and (c) of this paragraph and (ii) property which contains no more than three dwelling units held in condominium form of ownership and which was classified within this class on a previous assessment roll; and provided that, notwithstanding the provisions of paragraph (g) of subdivision twelve of section one hundred two of this chapter, a mobile home or a trailer shall not be classified within this class unless it is owner-occupied and separately assessed; and (b) residential real property not more than three stories in height held in condominium form of ownership, provided that no dwelling unit therein previously was on an assessment roll as a dwelling unit in other than condominium form of ownership; and (c) residential real property consisting of one family house structures owned by the occupant, situated on land held in cooperative ownership by owner occupiers, provided that; (i) such house structures and land constituted bungalow colonies in existence prior to nineteen hundred forty; and (ii) the land is held in cooperative ownership for the sole purpose of maintaining one family residences for members own use; and (d) all vacant land located within a special assessing unit which is a city (i) other than such land in the borough of Manhattan, provided that any such vacant land which is not zoned residential must be situated immediately adjacent to property improved with a residential structure as defined in subparagraphs (a) and (b) of this paragraph, be owned by the same owner as such immediately adjacent residential property immediately prior to and since January 1, 1989, and have a total area not exceeding 10,000 square feet; and (ii) located in the borough of Manhattan north of or adjacent to the north side of 110th street provided such

vacant land was classified within this class on the assessment roll with a taxable status date of January 5, 2008 and the owner of such land has entered into a recorded agreement with a governmental entity on or before December 31, 2008 requiring construction of housing affordable to persons or families of low income in accordance with the provisions of the private housing finance law. Notwithstanding the foregoing, such vacant land shall be classified according to its use on the assessment roll with a taxable status date immediately following commencement of construction, provided further, that construction pursuant to an approved plan for affordable housing shall commence no later than December 31, 2010; and (e) all vacant land located within a special assessing unit which is not a city, provided that such vacant land which is not zoned residential must be situated immediately adjacent to real property defined in subparagraph (a), (b) or (c) of this paragraph and be owned by the same person or persons who own the real property defined in such subparagraph immediately prior to and since January 1, 2003;

Class two: all other residential real property which is not designated as class one, except hotels and motels and other similar commercial property;

Class three: utility real property and property subject to former section four hundred seventy of this chapter;

Class four: all other real property which is not designated as class one, class two, or class three.

2. In addition to any other requirements of law or rule of the commissioner, the assessment roll shall contain a separate column for the entry of the class designation required by this section. The assessor shall enter the appropriate class designation in this column for each parcel listed on the assessment roll.

3. The determination of inclusion within a class pursuant to this section shall be subject to administrative and judicial review as

provided by law for the review of assessments.

§ 1803. Base proportions and adjusted proportions; determinations. 1.

Base proportion. The legislative body of each special assessing unit shall establish the base proportion for each class and a base proportion for each class for each portion and each town and county special district and zone of assessment included within its boundaries.

2. Adjusted proportions. (a) For assessment rolls prepared during and after nineteen hundred eighty-two and before nineteen hundred ninety-one, and for assessment rolls prepared after two thousand one for purposes of all county and town special districts and zones of assessment, the legislative body of each special assessing unit shall adjust such base proportions to reflect the addition to the assessment roll of new property, additions to or improvements of existing property or formerly exempt property or the full or partial removal from the roll of property by reason of fire, demolition, destruction or new exemption or any change in the class designation of any parcel of real property; provided, however, that the legislative body of each special assessing unit may further alter the base proportions, as so adjusted, in accordance with the provisions of paragraph (b) of this subdivision.

(b) Any further such alterations for any class in any year may not exceed five percent of the base proportions or adjusted proportions used for the immediately preceding tax levy, provided that in each year the sum of any such proportions for such special assessing unit or portion thereof, or town or county special district or zone of assessment included therein, shall equal one. Such alterations may vary among portions and among town and county special districts; provided, however, that for town and county special districts and zones of assessment, any such alterations shall not be inconsistent with any changes in the value of the class in the special district as indicated by the assessed value of the class in the special district and the most relevant class equalization rates certified by the commissioner pursuant to section twelve hundred twelve of this chapter.

3. Town and county special districts. For purposes of town and county

special districts that are not portions, the base proportion shall be determined by using the final assessment roll filed in calendar year two thousand one. The base proportion of a zone of assessment established from the territory of a prior district, as such term is defined in paragraph (f) of subdivision one of section four of chapter six hundred eighty-five of the laws of two thousand three, shall be determined by using the base proportion of the prior district with such adjustments, if any as are required by paragraph a of subdivision two of this section.

§ 1803-a. Adjusted base proportions; determination. 1. Current base proportions. (a) For each tax levy based upon an assessment roll completed in nineteen hundred ninety-one and thereafter, the legislative body of each special assessing unit shall compute the current base proportion and certify to the commissioner the current base proportion, the current percentage, and base percentage of each class and for each class for each portion included in its boundaries and such alterations made to such current base proportions made pursuant to paragraph (c) hereof no later than thirty days subsequent to the date on which the commissioner certifies class equalization rates pursuant to section twelve hundred twelve of this chapter, pursuant to the provisions of this section.

(b) The current base proportion shall be determined pursuant to the following formula:

(1) Divide the current percentage of each class by the base percentage of such class.

(2) For each such class multiply the result from subparagraph one of this paragraph by the local base proportion of such class.

(3) Sum the products obtained in subparagraph two of this paragraph and divide the product for each class by such sum.

(c) Notwithstanding the provisions of paragraph (b) of this subdivision, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than five percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base

proportion of such class or classes shall be limited to such five percent increase and the legislative body of such special assessing unit shall alter the current base proportions of any or all of the remaining classes so that the sum of the current base proportions equals one.

(d) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year nineteen hundred ninety-five, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two and three-quarters percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two and three-quarters percent increase and the legislative body of such special assessing unit shall alter the current base proportions of any or all remaining classes so that the sum of the current base proportions equals one.

(e) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year nineteen hundred ninety-six, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two and three-quarters percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two and three-quarters percent increase and the legislative body of such special assessing unit shall alter the current base proportions of any or all remaining classes so that the sum of the current base proportions equals one.

(f) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year nineteen hundred ninety-seven, the current base proportion of any class shall not exceed the adjusted base

proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two and one-half percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two and one-half percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(g) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year nineteen hundred ninety-eight, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two and one-half percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two and one-half percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(h) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year nineteen hundred ninety-nine, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two and one-half percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two and one-half percent increase and the legislative body of such special assessing unit by local law shall alter the current base proportions of any or all remaining classes so that the sum of the current base proportions equals one.

(i) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is a city

and for current base proportions to be determined in such special assessing unit's fiscal year two thousand, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two and one-half percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two and one-half percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(j) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand one, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(k) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand two, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(l) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand three, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(m) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand three, two thousand four and two thousand five assessment rolls, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(n) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand four, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two percent increase and the legislative body of such

special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(o) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand six, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(p) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand six assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(q) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand seven, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce

such result, the current base proportion of such class or classes shall be limited to such two percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* (r) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand seven assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (r)'s

* (r) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand eight, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to a zero percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (r)'s

(s) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand eight assessment roll, the current base proportion of any class shall not exceed the adjusted base

proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(t) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand nine, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to a zero percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* (u) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand ten, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to a zero percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (u)'s

* (u) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand nine assessment roll, the

current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (u)'s

* (v) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand ten assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (v)'s

* (v) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand eleven, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two and a half percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to a two and a half percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (v)'s

* (w) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand eleven assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (w)'s

* (w) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand twelve, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two and a half percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to a two and a half percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (w)'s

* (x) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand twelve assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision

would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (x)'s

* (x) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand thirteen, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one and one-half percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to a one and one-half percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (x)'s

* (y) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand thirteen assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (y)'s

* (y) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special

assessing unit's fiscal year two thousand fourteen, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to a one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (y)'s

(z) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand fourteen assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(aa) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand fifteen assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(bb) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand sixteen assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* (cc) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand seventeen assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (cc)'s

* (cc) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand eighteen, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to a zero percent increase and the legislative body of such special assessing unit

shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (cc)'s

(dd) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand nineteen, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one-half of one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to a one-half of one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(ee) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions determined by taxes based on such special assessing unit's two thousand eighteen assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(ff) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand nineteen assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision

would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(gg) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand twenty, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year. Where the the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to a zero percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(hh) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand twenty assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

(ii) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand twenty-one, the percent increase of the current base proportion of any class over the adjusted base proportion or adjusted proportions, whichever is appropriate, of

the immediately preceding year shall be determined by the local legislative body of such special assessing unit, provided that such percent increase shall be no more than five percent, and provided further, that the local legislative body shall make such determination by October first, two thousand twenty.

(jj) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand twenty-one assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* (kk) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand twenty-three, the percent increase of the current base proportion of any class over the adjusted base proportion or adjusted proportions, whichever is appropriate, of the immediately preceding year shall be determined by the local legislative body of such special assessing unit, provided that such percent increase shall be no more than five percent, and provided further, that the local legislative body shall make such determination by October first, two thousand twenty-two.

* NB There are 2 par (kk)'s

* (kk) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand twenty-two assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the

computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (kk)'s

* (ll) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand twenty-four, the percent increase of the current base proportion of any class over the adjusted base proportion or adjusted proportions, whichever is appropriate, of the immediately preceding year shall be determined by the local legislative body of such special assessing unit, provided that such percent increase shall be no more than five percent, and provided further, that the local legislative body shall make such determination by November first, two thousand twenty-three.

* NB There are 2 par (ll)'s

* (ll) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand twenty-three assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

* NB There are 2 par (ll)'s

* (mm) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand twenty-four assessment roll,

the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

- * NB There are 2 par (mm)'s

- * (mm) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand twenty-five, the percent increase of the current base proportion of any class over the adjusted base proportion or adjusted proportions, whichever is appropriate, of the immediately preceding year shall be determined by the local legislative body of such special assessing unit, provided that such percent increase shall be no more than five percent, and provided further, that the local legislative body shall make such determination by November first, two thousand twenty-four.

- * NB There are 2 par (nn)'s

- * (nn) Notwithstanding the provisions of paragraph (c) of this subdivision to the contrary, in a special assessing unit that is not a city and for current base proportions to be determined by taxes based on such special assessing unit's two thousand twenty-five assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation performed pursuant to paragraph (b) of this subdivision would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such special assessing unit shall alter the current base proportion of any or all remaining classes so that the sum of the current base proportions equals one.

- * NB There are 2 par (nn)'s

- * (nn) Notwithstanding the provisions of paragraph (c) of this

subdivision to the contrary, in a special assessing unit which is a city and for current base proportions to be determined in such special assessing unit's fiscal year two thousand twenty-six, the percent increase of the current base proportion of any class over the adjusted base proportion or adjusted proportions, whichever is appropriate, of the immediately preceding year shall be determined by the local legislative body of such special assessing unit, provided that such percent increase shall be no more than five percent, and provided further, that the local legislative body shall make such determination by December first, two thousand twenty-five.

* NB There are 2 par (nn)'s

2. For the purposes of this section, the base percentage and the current percentage of each class and for each portion shall be computed pursuant to this subdivision.

(a) Base percentage. The base percentage for each class for each assessing unit and portion thereof shall be determined as follows:

(1) Determine the estimated market value of each class by dividing the taxable assessed value of the real property in each class in the special assessing unit and portion thereof appearing on the final assessment roll completed and filed in nineteen hundred eighty-nine by the class equalization rate which was finally adopted by the commissioner for such roll.

(2) Adjust the estimated market value of each class to reflect any change in the class designation of any parcel of real property.

(3) Determine the total estimated market value of the special assessing unit or portion thereof by summing the estimated market value of each class.

(4) Divide the estimated market value for each class by the total estimated market value of the special assessing unit or portion thereof.

Such quotient, as expressed as a percentage to at least four places to the right of the decimal point, shall be the base percentage of each class for such special assessing unit or portion thereof.

(b) Current percentage. The current percentage for each class for each assessing unit and portion thereof shall be determined as follows:

(1) Determine the estimated market value of each class by dividing the

taxable assessed value of the real property in each class in the special assessing unit and portion thereof appearing on the latest final assessment roll for which class equalization rates have been finally adopted by the commissioner by the class equalization rate which was finally adopted by the commissioner.

(2) Determine the total estimated market value of the special assessing unit or portion thereof by summing the estimated market value of each class.

(3) Divide the estimated market value for each class by the total estimated market value of the special assessing unit or portion thereof.

Such quotient, as expressed as a percentage to at least four places to the right of the decimal point, shall be the current percentage of each class for such special assessing unit or portion thereof.

3. Where there was no taxable real property in a class in a portion on the final assessment roll completed and filed in nineteen hundred eighty-nine, the local base proportion, base percentages and current percentages for such portion shall be determined as provided by this subdivision for each tax levy based upon an assessment roll filed subsequent to the assessment roll on which such property first appears.

(a) The local base proportions shall be the adjusted proportions or adjusted base proportions, whichever are appropriate, determined pursuant to this section for the assessment roll on which such property first appears.

(b) The base percentage for each class shall be determined as follows:

(1) For each class other than the class appearing for the first time, determine the estimated market value by dividing the taxable assessed value of the real property in the class in the portion on the final assessment roll on which the new class first appeared by the class equalization rate determined for such class in such portion on such roll.

(2) For the class appearing for the first time, determine the estimated market value of such class by dividing the taxable assessed value of the real property in such class on the final assessment roll on which such class first appeared by the class equalization rate determined for such class in the special assessing unit on such final

assessment roll.

(3) Determine the total estimated market value of the portion by summing the estimated market value of each class.

(4) Divide the estimated market value for each class by the total estimated market value of the portion. Such quotient, as expressed as a percentage to at least four places to the right of the decimal point, shall be the base percentage of each class for such portion.

(c) Current percentages shall be determined as otherwise provided by this section, except that until the commissioner can determine a class equalization rate for the new class in such portion, the class equalization rate for the class in the special assessing unit shall be used in lieu thereof.

4. Where there is a new portion that did not appear on the final assessment roll completed and filed in nineteen hundred eighty-nine, the local base proportion, base percentages and current percentages for each class in such portion shall be determined as provided in subdivision three of this section for a new class in a portion.

5. Adjusted base proportions. No later than five days subsequent to the filing of the final assessment roll, the legislative body of each special assessing unit shall adjust such current base proportions to reflect the addition to the assessment roll of new property, additions to or improvements of existing property or formerly exempt property or the full or partial removal from the assessment roll of property by reason of fire, demolition, destruction or new exemption or any change in the class designation of any parcel of real property subsequent to the taxable status date of the latest final assessment roll for which class equalization rates have been finally adopted. The current base proportions so adjusted shall be known as the adjusted base proportions.

6. Upon determination of the adjusted base proportions, the legislative body of the special assessing unit shall certify within five days to the commissioner, on forms prescribed by the commissioner, the adjusted base proportions as computed pursuant to subdivision five of this section for each class applicable to the special assessing unit and each portion contained therein; the assessed value of all property in

each class for the special assessing unit and each portion contained therein; the net change in assessed value for each class on the assessment roll resulting from the additions to or removals from the assessment roll referred to in subdivision five of this section for the special assessing unit and each portion contained therein; and the net change in assessed value for each class on the assessment roll resulting from changes other than those referred to in subdivision five of this section for the special assessing unit and each portion therein.

7. If subsequent to and within sixty days after the certification of the adjusted base proportions as final by the legislative body of the special assessing unit, should said legislative body discover that a mathematical error was made in the determination of the adjusted base proportions, the legislative body of the special assessing unit which has made such error shall redetermine such adjusted base proportions, subject to the procedures set forth in this section for the review and certification of adjusted base proportions, prior to the levy of taxes for that fiscal year. If the redetermination cannot be made prior to the extension of taxes for that fiscal year, the tax levying body shall adjust the tax levy for the ensuing fiscal year to account for the improper apportionment of taxes which resulted from the error in the determination of the adjusted base proportions.

8. Notwithstanding any other provision of this article, the calculations required by this section shall not apply to town or county special districts or zones of assessment.

§ 1803-b. Allocation of taxes among classes. 1. (a) Beginning with the levy of taxes on the first assessment roll with a taxable status date occurring on or after December third, nineteen hundred eighty-one, the legislative body of any special assessing unit which is not a city shall annually certify the base proportion, adjusted base proportion or adjusted proportion, whichever is appropriate, for each such class applicable to such special assessing unit and to each portion and beginning with the levy of taxes on the assessment roll completed and filed in two thousand one, to each town and county special district, and

effective for the levy of taxes on the first assessment roll with a taxable status date after December thirty-first, two thousand two, each zone of assessment, to the chief fiscal officer of the county and of each town and school district and to the chief fiscal officer of each city and of each village which uses the assessment roll of the special assessing unit for the levy of taxes. Such certifications shall also be filed with the commissioner. Such certification shall be made at the same time as the delivery of the assessment roll to such county, cities, villages, towns, or school districts.

(b) Beginning with the levy of taxes on the first assessment roll with a taxable status date occurring on or after December third, nineteen hundred eighty-one, the legislative body of any special assessing unit which is a city shall annually certify the base proportion, adjusted base proportion or adjusted proportion, whichever is appropriate, for each such class applicable to such special assessing unit, to the commissioner of finance of such city. Such certification shall also be filed with the commissioner at the same time.

(c) Beginning with the levy of taxes on the first assessment roll with a taxable status date later than December third, nineteen hundred eighty-one, the legislative body of each such special assessing unit and each municipal corporation, except a county wholly within a city, which includes a portion of such special assessing unit and which levies taxes on the assessment roll of such special assessing unit, shall annually allocate to each such class a share of such municipal corporation's tax equal to the base proportion, adjusted base proportion or adjusted proportion as certified in accordance with paragraph (a) or paragraph (b) hereof.

(d) For purposes of the allocation of taxes among classes in a town or county special district that is not a portion, or a zone of assessment located within a special assessing unit that is not a city, beginning with the levy of taxes on the first assessment roll with a taxable status date after December third, two thousand, the legislative body of each such special assessing unit shall annually allocate to each class located within such special district and effective for the levy of taxes on the first assessment roll with a taxable status date after December thirty-first, two thousand two, each zone of assessment, a share of such special district's or zone of assessment's tax equal to the base

proportion or adjusted proportion as certified in accordance with paragraph (a) of this subdivision.

2. (a) Any city wholly situated in a special assessing unit which would otherwise be governed by the provisions of article nineteen of this chapter shall be governed by the provisions of this article if it adopts a local law providing that such city taxes shall be levied on the roll of the special assessing unit. Such local law shall be adopted not later than sixty days before the last date for the levy of its taxes. A copy of such local law shall be furnished to the assessor of such special assessing unit within thirty days after its adoption. In such event, such special assessing unit shall deliver that portion of its roll applicable to such city. Any local law adopted pursuant to this subdivision shall be effective for all subsequent tax years until repealed by such city.

(b) Any village wholly situated in a special assessing unit which would otherwise be governed by the provisions of article nineteen of this chapter shall be governed by the provisions of this article if it adopts a local law as provided in subdivision three of section fourteen hundred two of this chapter.

3. In a special assessing unit which is not a city, the governing body of any school district, and the legislative body of any village or city which has elected to be governed by the provisions of this article, may, by adopting a local law, or in the case of school districts, a resolution, allocate to class one property that share of such municipal corporation's tax levy equal to the base proportion, adjusted base proportion or adjusted proportion, whichever is appropriate, for such property and allocate the remainder of the tax levy to the remaining classes as a whole.

4. Nothing in section eighteen hundred three, section eighteen hundred three-a or this section of this article shall prevent the entry on the assessment roll of new property, additions to or improvements of existing property or formerly exempt property or the full or partial removal from the roll of property by reason of fire, demolition, destruction or new exemption.

§ 1804. Commissioner certifications. For the assessment roll completed and filed in the year nineteen hundred eighty-nine and for each roll thereafter, the commissioner shall certify to the chief executive officer and legislative body of each special assessing unit, the class equalization rate for each class in such special assessing unit and each portion thereof.

§ 1805. Limitation on increases of assessed value of individual parcels. 1. The assessor of any special assessing unit shall not increase the assessment of any individual parcel classified in class one in any one year, as measured from the assessment on the previous year's assessment roll, by more than six percent and shall not increase such assessment by more than twenty percent in any five-year period. The first such five-year period shall be measured from the individual assessment appearing on the assessment roll completed in nineteen hundred eighty; provided that if such parcel would not have been subject to the provisions of this subdivision in nineteen hundred eighty had this subdivision then been in effect, the first such five-year period shall be measured from the first year after nineteen hundred eighty in which this subdivision applied to such parcel or would have applied to such parcel had this subdivision been in effect in such year.

If, in respect to any individual parcel classified in class one on the assessment roll completed and applicable for the year nineteen hundred eighty-two, the assessment for the year nineteen hundred eighty-one exceeds by more than twenty percent the assessment for the year nineteen hundred eighty, such assessor shall compute the actual assessments to be entered on assessment rolls applicable to the years nineteen hundred eighty-two through nineteen hundred ninety as follows:

(a) compute the maximum permissible assessments for the years nineteen hundred eighty-one through nineteen hundred eighty-five pursuant to the limitations contained hereinabove as if the provisions of this subdivision were in effect and applicable for assessment rolls prepared in the year nineteen hundred eighty-one;

(b) subtract the maximum permissible assessment for the year nineteen hundred eighty-one as computed in paragraph (a) hereof from the actual assessment entered on the assessment roll completed and applicable for the year nineteen hundred eighty-one and divide such result by four;

(c) the assessment for the year nineteen hundred eighty-two shall be the maximum permissible assessment for such year as computed pursuant to such paragraph (a) minus the quotient determined pursuant to paragraph (b) hereinabove;

(d) the assessment for the year nineteen hundred eighty-three shall be the maximum permissible assessment for such year as computed pursuant to such paragraph (a) minus the quotient determined pursuant to paragraph (b) hereinabove;

(e) the assessment for the year nineteen hundred eighty-four shall be the maximum permissible assessment for such year as computed pursuant to such paragraph (a) minus the quotient determined pursuant to paragraph (b) hereinabove;

(f) the assessment for the year nineteen hundred eighty-five shall be the maximum permissible assessment for such year as computed pursuant to such paragraph (a) minus the quotient determined pursuant to paragraph (b) hereinabove;

(g) commencing and applicable in the years nineteen hundred eighty-six through nineteen hundred ninety, the limitations contained hereinabove shall be computed as measured against the maximum permissible assessments for the years nineteen hundred eighty-one through nineteen hundred eighty-five as computed in paragraph (a) hereinabove and as measured against the actual assessments for the years occurring after nineteen hundred eighty-five.

2. The assessment roll of a special assessing unit wholly contained within a city shall identify those parcels classified in class two which have fewer than eleven residential units. The assessor of any such special assessing unit shall not increase the assessment of any parcel so identified in any one year, as measured from the actual assessment on the previous year's assessment roll, by more than eight percent and shall not increase such assessment by more than thirty percent in any five-year period. The first such five-year period shall be measured from the individual assessment appearing on the assessment roll completed in

nineteen hundred eighty-one provided that, if such parcel would not have been subject to the provisions of this subdivision in nineteen hundred eighty-one had this subdivision then been in effect, the first such five-year period shall be measured from the first year after nineteen hundred eighty-one in which this subdivision applied to such parcel or would have applied to such parcel had this subdivision been in effect in such year.

If, in respect to any parcel so identified on the assessment roll completed and applicable for the year nineteen hundred eighty-four, the actual assessment for the year nineteen hundred eighty-three exceeds by more than thirty percent the assessment for the year nineteen hundred eighty-one, such assessor shall compute the actual assessments to be entered on assessment rolls applicable to the years nineteen hundred eighty-four through nineteen hundred ninety-two as follows:

(a) compute the maximum permissible assessments for the years nineteen hundred eighty-two through nineteen hundred eighty-seven pursuant to the limitations contained hereinabove as if the provisions of this subdivision were in effect and applicable for assessment rolls prepared in the year nineteen hundred eighty-two;

(b) subtract the maximum permissible assessment for the year nineteen hundred eighty-two as computed in paragraph (a) hereof from the lesser of the actual or transition assessment entered on the assessment roll completed and applicable for the year nineteen hundred eighty-two;

(c) subtract the maximum permissible assessment for the year nineteen hundred eighty-three as computed in such paragraph (a) from the lesser of the actual or transition assessment entered on the assessment roll completed and applicable for the year nineteen hundred eighty-three;

(d) add such results of the computations prescribed by paragraphs (b) and (c) hereof as are greater than zero and divide such sum by four;

(e) the assessment for the year nineteen hundred eighty-four shall be the maximum permissible assessment for such year as computed pursuant to such paragraph (a) minus the quotient determined pursuant to paragraph (d) hereinabove;

(f) the assessment for the year nineteen hundred eighty-five shall be the maximum permissible assessment for such year as computed pursuant to such paragraph (a) minus the quotient determined pursuant to paragraph

(d) hereinabove;

(g) the assessment for the year nineteen hundred eighty-six shall be the maximum permissible assessment for such year as computed pursuant to such paragraph (a) minus the quotient determined pursuant to paragraph (d) hereinabove;

(h) the assessment for the year nineteen hundred eighty-seven shall be the maximum permissible assessment for such year as computed pursuant to such paragraph (a) minus the quotient determined pursuant to paragraph (d) hereinabove;

(i) commencing and applicable in the years nineteen hundred eighty-eight through nineteen hundred ninety-two, the limitations contained hereinabove shall be computed as measured against the maximum permissible assessments for the years nineteen hundred eighty-three through nineteen hundred eighty-seven as computed in paragraph (a) hereinabove and as measured against the actual assessments for the years occurring after nineteen hundred eighty-seven.

3. If the assessment appearing on an assessment roll completed on or after January first, nineteen hundred eighty-two for any parcel not subject to the provisions of subdivision one or two of this section, other than a parcel classified in class three, is greater than the assessment appearing on the previous year's assessment roll the assessor shall determine a transition assessment for such parcel for the first assessment roll on which such greater assessment appears and for each of the succeeding four assessment rolls by computing the difference between such greater assessment and the assessment appearing on such previous year's assessment roll and adding the following percentages of such difference to the assessment appearing on such previous year's assessment roll: in the first year, twenty percent; in the second year, forty percent; in the third year, sixty percent; in the fourth year, eighty percent; and in the fifth year, one hundred percent. If the assessment of a parcel is increased during a period for which transition assessments have been established because of any prior assessment increases, such new increase shall be phased-in over a five-year period as set forth in this subdivision, and such phased-in increases shall be added to the transitional assessments previously established for the prior increase; provided, however, that if in any year any such

transition assessment exceeds the actual assessment for such year, taxes imposed on such parcel for such year shall be based on such lesser actual assessment. Notwithstanding the foregoing, during the period of any such transition, the assessment roll shall contain an entry of the full amount of such greater assessment which shall be used by the commissioner in its determination of class ratios pursuant to paragraph (b) of subdivision one of section twelve hundred two of this chapter. In establishing state equalization rates, class equalization rates, special state equalization rates and special state equalization ratios under article twelve, article twelve-A and article twelve-B of this chapter, the commissioner shall use the transition assessments as provided for in this subdivision in its determinations, or where the actual assessment is the lesser, such actual assessment shall be so used.

4. Notwithstanding the provisions of subdivision three of this section no transition assessment shall be computed for any individual parcel for a year in which subdivision one or two of this section were applicable to such parcel, nor for any real property owned by the state and which is subject to taxation pursuant to title two of article five of this chapter, nor for any real property for which a statute provides that a state equalization rate or special equalization rate shall be employed to determine the assessed value or the taxable assessed value.

5. Nothing in this section shall prevent placing on the assessment roll new property, additions to or improvements of existing property or formerly exempt property or the full or partial removal from the roll of property by reason of fire, demolition, destruction or new exemption and such increase or decrease in value shall not be included in the computation of the limitations prescribed by this section. Any parcel which would be assessed at a greater amount but for the provisions of subdivision one or two of this section shall be excluded from any survey or computation made by any body or officer for the purpose of determining a level of assessment to be used in the administrative or judicial review of assessments including, but not limited to, class ratios computed pursuant to paragraph (b) of subdivision one of section twelve hundred two of this chapter, ratios computed by selection of parcels or from actual sales of real property under the provisions of

subdivision three of section seven hundred twenty of this chapter, and residential assessment ratios computed pursuant to section seven hundred thirty-eight of this chapter, but not including state equalization rates or class equalization rates. In the event that a parcel appearing on the assessment roll completed in nineteen hundred eighty or any subsequent roll is subdivided or consolidated with another, such assessor shall make an appropriate allocation of the assessed value of such parcel in the determination of the limitations prescribed in this section.

6. Notwithstanding any provision of law to the contrary, in any special assessing unit wholly contained within a city, beginning with the assessment roll completed in two thousand five and for each subsequent assessment roll, the assessor shall not increase the assessment of any existing property classified in class two that has fewer than eleven residential units, with respect to any increase in value attributable to additions to or improvements of such property that were not reflected on the assessment roll for a previous year, by more than one-third of the amount that such assessment would increase, in the absence of this subdivision, with respect to any increase in value attributable to additions to or improvements of such property that were not reflected on the assessment roll for a previous year.

Notwithstanding the provisions of subdivision five of this section, the remainder of the increase in value attributable to such additions or improvements that were not reflected on the assessment roll for a previous year shall be subject to the limitations on increases provided in subdivision two of this section. This subdivision shall not apply to the construction of a new building or structure. This subdivision shall not apply where, as a result of such additions to or improvements of the existing property, there are more than ten residential units in such property.

§ 1805-a. Assessment of real property damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve in a city having a population of one million or more. 1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, any city having a population of one million

or more is hereby authorized and empowered to adopt and amend local laws in accordance with this section to provide that the assessed value of affected real property, as defined in subdivision three of this section, shall be subject to the limitations provided in this section.

2. Definitions. As used in this section:

(a) "Actual assessed value" means the assessed value of real property prior to the calculation of any transitional assessed value, and which is not reduced by any exemption from real property taxes.

(b) "Aggregate physical increase" means the sum of physical increases for assessment rolls completed from two thousand fourteen through two thousand twenty.

(c) "Annual tax" means the amount of real property tax that is imposed on a property for a fiscal year, determined after reduction for any amount from which the property is exempt, or which is abated, pursuant to applicable law.

(d) "Annual tax attributable to improvements" means the annual tax, multiplied by a fraction, the numerator of which is equal to the assessed value attributable to improvements on the property for the fiscal year, and the denominator of which is the total assessed value of the property for such fiscal year.

(e) "Assessed value" means the assessed value of real property that was used to determine the annual tax, and which is not reduced by any exemption from real property taxes. For real property classified as class two or class four real property, as defined in subdivision one of section eighteen hundred two of this article to which subdivision three of section eighteen hundred five of this article applies, unless otherwise provided, the assessed value is the lower of the actual assessed value and transitional assessed value.

(f) "Assessed value attributable to improvements" means that portion of the assessed value that was used to determine the annual tax attributable to improvements, and which is not reduced by any exemption from real property taxes.

(g) "Commissioner of finance" means the commissioner of finance of a city having a population of one million or more, or his or her designee.

(h) "Department of finance" means the department of finance of a city having a population of one million or more.

(i) "Improvements" means buildings and other articles and structures, substructures and superstructures erected upon, under or above the land, or affixed thereto, including bridges and wharves and piers and the value of the right to collect wharfage, cranage or dockage thereon.

(j) "Physical decrease" means the decrease in assessed value from the assessed value on the preceding assessment roll as a result of destruction of property caused by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve, such decrease to which subdivision five of section eighteen hundred five of this article applies.

(k) "Physical increase" means the increase in assessed value from the assessed value on the preceding assessment roll as a result of an addition to or improvement of existing real property as provided in subdivision five of section eighteen hundred five of this article, for the purpose of reconstruction or repair in connection with the damage caused by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve, such increase to which subdivision five of section eighteen hundred five of this article applies subject to the provisions of this section.

(l) "Total square footage of the improvements on the property" means, with respect to an assessment roll, the square footage used by the department of finance in determining the assessed value attributable to improvements on the real property for such assessment roll.

(m) "Transitional assessed value" is the transition assessment calculated pursuant to subdivision three of section eighteen hundred five of this article, and which is not reduced by any exemption from real property taxes.

3. Affected real property. For purposes of this section, "affected real property" means any tax lot that contained, on the applicable taxable status date, class one, class two or class four real property as such class of real property is defined in subdivision one of section eighteen hundred two of this article, as to which:

(a) the department of finance reduced the assessed value attributable to improvements on the property for the assessment roll completed in two thousand thirteen from the assessed value attributable to improvements on the property for the assessment roll completed in two thousand twelve

as a result of damage caused by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve; and

(b) the department of finance increased the assessed value attributable to improvements on the property by means of a physical increase for an assessment roll completed from two thousand fourteen through two thousand twenty.

4. Limitation on increases of assessed value. Notwithstanding subdivision five of section eighteen hundred five of this article and any other provision to the contrary, increases in the assessed value of affected real property shall be limited in the manner specified in this subdivision.

(a) Except as provided in paragraph (c) of this subdivision, for affected real property for which the assessed values on the assessment rolls completed in two thousand fourteen and two thousand fifteen do not reflect a physical increase, the amount of the aggregate physical increase shall not exceed the amount of the physical decrease reflected in the assessed value on the assessment roll completed in two thousand thirteen. Any increase in assessed value from the preceding year in excess of the physical increase reflected in the current assessed value, such physical increase limited as provided in the preceding sentence, shall be subject to the limitations on increases provided in subdivisions one, two and three of section eighteen hundred five of this article. In no event shall the assessed value of the affected real property appearing on an assessment roll completed for any given year from two thousand fifteen to two thousand twenty exceed what the assessed value would have been that year but for any physical decreases or physical increases reflected in the assessed values on the assessment rolls completed from two thousand thirteen to two thousand twenty.

(b) For affected real property for which the assessed value on the assessment roll completed in two thousand fourteen or two thousand fifteen reflects a physical increase, the assessed value as it appeared on the assessment roll completed in two thousand fifteen shall be recalculated as if the limitation in paragraph (a) of this subdivision had been in effect for the assessment rolls completed in two thousand fourteen and two thousand fifteen. The recalculation of the assessed value that appeared on the assessment roll completed in two thousand

fifteen shall not affect the amount of taxes that were due and payable for the fiscal year beginning on the first of July, two thousand fourteen. The assessed value on the assessment rolls completed for each of the years from two thousand sixteen to two thousand twenty shall be subject to the limitation on increases provided in paragraph (a) of this subdivision. Notwithstanding section fifteen hundred twelve of the charter of the city of New York and any other provision to the contrary, the commissioner of finance is authorized to correct as provided in this paragraph the assessed value of affected real property appearing on the assessment roll completed in two thousand fifteen. Such correction shall be made no later than ninety days after the effective date of a local law adopted in accordance with this section.

(c) Notwithstanding paragraphs (a) and (b) of this subdivision, in the event that the total square footage of the improvements on the affected real property appearing on any assessment roll completed from two thousand fourteen to two thousand twenty exceeds the total square footage of the improvements on the property appearing on the assessment roll completed in two thousand twelve, the amount of the aggregate physical increase shall not exceed the amount computed by multiplying the sum of the physical increases as calculated subject to this subdivision by a fraction, the numerator of which is equal to the amount of the total square footage of the improvements on the property for the current assessment roll, and the denominator of which is equal to the amount of the total square footage of the improvements on the property for the assessment roll completed in two thousand twelve. For purposes of this paragraph, if improvements on the property located below grade were not included in the total square footage of the improvements on the property for the assessment roll completed in two thousand twelve, such improvements shall not be included in the total square footage for subsequent assessment rolls if the improvements were moved above grade or other building elevations were constructed on the property to prevent or mitigate flooding as part of reconstruction or repair in connection with the damage caused by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve.

5. Rulemaking. The commissioner of finance shall be authorized to promulgate rules necessary to effectuate the purposes of this section.

§ 1805-b. Assessment of real property damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve in a special assessing unit that is not a city. 1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, any special assessing unit that is not a city is hereby authorized and empowered to adopt and amend local laws in accordance with this section to provide that the assessed value of affected real property, as defined in subdivision three of this section, shall be subject to the limitations provided in this section. Following the adoption of this act by a special assessing unit that is not a city, any town, school district or village which uses the assessment roll of such special assessing unit that is not a city for the levy of taxes, may also adopt a local law or resolution to grant the exemption authorized pursuant to this section.

2. Definitions. As used in this section:

(a) "Actual assessed value" means the assessed value of real property prior to the calculation of any transitional assessed value, and which is not reduced by any exemption from real property taxes.

(b) "Aggregate physical increase" means the sum of physical increases for assessment rolls completed from two thousand fourteen through two thousand twenty.

(c) "Annual tax" means the amount of real property tax that is imposed on a property for a fiscal year, determined after reduction for any amount from which the property is exempt, or which is abated, pursuant to applicable law.

(d) "Annual tax attributable to improvements" means the annual tax, multiplied by a fraction, the numerator of which is equal to the assessed value attributable to improvements on the property for the fiscal year, and the denominator of which is the total assessed value of the property for such fiscal year.

(e) "Assessed value" means the assessed value of real property that was used to determine the annual tax, and which is not reduced by any exemption from real property taxes. For real property classified as class two or class four real property, as defined in subdivision one of

section eighteen hundred two of this article to which subdivision three of section eighteen hundred five of this article applies, unless otherwise provided, the assessed value is the lower of the actual assessed value and transitional assessed value.

(f) "Assessed value attributable to improvements" means that portion of the assessed value that was used to determine the annual tax attributable to improvements, and which is not reduced by any exemption from real property taxes.

(g) "Improvements" means buildings and other articles and structures, substructures and superstructures erected upon, under or above the land, or affixed thereto, including bridges and wharves and piers and the value of the right to collect wharfage, cranage or dockage thereon.

(h) "Physical decrease" means the decrease in assessed value from the assessed value on the preceding assessment roll as a result of destruction of property caused by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve, such decrease to which subdivision five of section eighteen hundred five of this article applies.

(i) "Physical increase" means the increase in assessed value from the assessed value on the preceding assessment roll as a result of an addition to or improvement of existing real property as provided in subdivision five of section eighteen hundred five of this article, for the purpose of reconstruction or repair in connection with the damage caused by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve, such increase to which subdivision five of section eighteen hundred five of this article applies subject to the provisions of this section.

(j) "Total square footage of the improvements on the property" means, with respect to an assessment roll, the square footage used by the assessor in determining the assessed value attributable to improvements on the real property for such assessment roll.

(k) "Transitional assessed value" is the transition assessment calculated pursuant to subdivision three of section eighteen hundred five of this article, and which is not reduced by any exemption from real property taxes.

3. Affected real property. For purposes of this section, "affected

real property" means any tax lot that contained, on the applicable taxable status date, class one, class two or class four real property as such class of real property is defined in subdivision one of section eighteen hundred two of this article, as to which:

(a) the assessor reduced the assessed value attributable to improvements on the property for the assessment roll completed in two thousand thirteen from the assessed value attributable to improvements on the property for the assessment roll completed in two thousand twelve as a result of damage caused by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve; and

(b) the assessor increased the assessed value attributable to improvements on the property by means of a physical increase for an assessment roll completed from two thousand fourteen through two thousand twenty.

4. Limitation on increases of assessed value. Notwithstanding subdivision five of section eighteen hundred five of this article and any other provision to the contrary, increases in the assessed value of affected real property shall be limited in the manner specified in this subdivision.

(a) Except as provided in paragraph (c) of this subdivision, for affected real property for which the assessed values on the assessment rolls completed in two thousand fourteen and two thousand fifteen do not reflect a physical increase, the amount of the aggregate physical increase shall not exceed the amount of the physical decrease reflected in the assessed value on the assessment roll completed in two thousand thirteen. Any increase in assessed value from the preceding year in excess of the physical increase reflected in the current assessed value, such physical increase limited as provided in the preceding sentence, shall be subject to the limitations on increases provided in subdivisions one, two and three of section eighteen hundred five of this article. In no event shall the assessed value of the affected real property appearing on an assessment roll completed for any given year from two thousand fifteen to two thousand twenty exceed what the assessed value would have been that year but for any physical decreases or physical increases reflected in the assessed values on the assessment rolls completed from two thousand thirteen to two thousand twenty.

(b) For affected real property for which the assessed value on the assessment roll completed in two thousand fourteen or two thousand fifteen reflects a physical increase, the assessed value as it appeared on the assessment roll completed in two thousand fifteen shall be recalculated as if the limitation in paragraph (a) of this subdivision had been in effect for the assessment rolls completed in two thousand fourteen and two thousand fifteen. The recalculation of the assessed value that appeared on the assessment roll completed in two thousand fifteen shall not affect the amount of taxes that were due and payable for the fiscal year beginning on the first of July, two thousand fourteen. The assessed value on the assessment rolls completed for each of the years from two thousand sixteen to two thousand twenty shall be subject to the limitation on increases provided in paragraph (a) of this subdivision. Notwithstanding any provision to the contrary, the assessor is authorized to correct as provided in this paragraph the assessed value of affected real property appearing on the assessment roll completed in two thousand fifteen. Such correction shall be made no later than ninety days after the effective date of a local law adopted in accordance with this section.

(c) Notwithstanding paragraphs (a) and (b) of this subdivision, in the event that the total square footage of the improvements on the affected real property appearing on any assessment roll completed from two thousand fourteen to two thousand twenty exceeds the total square footage of the improvements on the property appearing on the assessment roll completed in two thousand twelve, the amount of the aggregate physical increase shall not exceed the amount computed by multiplying the sum of the physical increases as calculated subject to this subdivision by a fraction, the numerator of which is equal to the amount of the total square footage of the improvements on the property for the current assessment roll, and the denominator of which is equal to the amount of the total square footage of the improvements on the property for the assessment roll completed in two thousand twelve. For purposes of this paragraph, if improvements on the property located below grade were not included in the total square footage of the improvements on the property for the assessment roll completed in two thousand twelve, such improvements shall not be included in the total square footage for subsequent assessment rolls if the improvements were moved above grade

or other building elevations were constructed on the property to prevent or mitigate flooding as part of reconstruction or repair in connection with the damage caused by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve.

§ 1806. Rules and regulations. The commissioner may prescribe such rules and regulations as may be necessary to implement the provisions of this article.

ARTICLE 19

PRESERVATION OF CLASS SHARE OF TAXES OTHER THAN IN SPECIAL ASSESSING UNITS

- Section 1901. Definitions.
1902. Certification of assessing units.
1903. Homestead base proportion and non-homestead base proportion.
- 1903-a. Optional homestead and non-homestead tax rates in eligible split tax districts.
1904. Transition assessment.
1905. Commissioner adjustments for assessment rolls completed prior to nineteen hundred ninety.
- 1905-a. Commissioner certifications for assessment rolls completed during and after nineteen hundred eighty-nine.
1906. Rules and regulations.

§ 1901. Definitions. 1. "Adjusted homestead base proportion" means the proportion certified by the commissioner for the homestead class prior to nineteen hundred ninety in accordance with section nineteen hundred five of this article or, beginning in nineteen hundred ninety-one, the proportion certified by the commissioner in accordance with subdivision three of section nineteen hundred three of this article.

2. "Adjusted non-homestead base proportion" means the proportion

certified by the commissioner prior to nineteen hundred ninety for the non-homestead class in accordance with section nineteen hundred five of this article or, beginning in nineteen hundred ninety-one, the proportion certified by the commissioner in accordance with subdivision three of section nineteen hundred three of this article.

3. "Aggregate school district homestead proportion" means the proportion of the total taxable full valuation of real property in the homestead class to the total taxable full valuation of all real property on the current assessment rolls or parts thereof used by a school district for the levy of school district taxes.

4. "Aggregate school district non-homestead proportion" means the proportion of the total taxable full valuation of real property in the non-homestead class to the total taxable full valuation of all real property on the current assessment rolls or parts thereof used by a school district for the levy of school district taxes.

5. "Approved assessing unit" means an assessing unit certified by the commissioner as having completed a revaluation which is in conformance with the commissioner's rules and regulations or an update.

6. "Base assessment roll" means:

(a) in the case of an assessing unit initially certified as an approved assessing unit on the basis of a revaluation or an update, the assessment roll completed in the year immediately preceding the first year of the revaluation or update which is the basis for certification as an approved assessing unit;

(b) in the case of a recertified approved assessing unit, the assessment roll completed in the year immediately preceding the update which is the basis for the most recent recertification as an approved assessing unit or the assessment roll specified in paragraph (a) of this subdivision; and

(c) in the case of an eligible non-assessing unit village, the village assessment roll or part of the town assessment roll used to levy the village tax in the year immediately preceding the first year.

7. "Base year assessment roll" means the roll from which the commissioner selects its samples for the purpose of a market value survey.

8. "Current assessment roll" means the assessment roll on which taxes are to be levied in accordance with the homestead base proportion to be computed under section nineteen hundred three of this article.

9. "Eligible non-assessing unit village" means a village which is located wholly within a town approved assessing unit and which has in effect a local law adopted pursuant to subdivision three of section fourteen hundred two of this chapter or is subject to the provisions of section 17-1722-a of the village law.

10. "Eligible split tax district" means (a) a school district located in more than one city or town, where one-fifth or more of the parcels in the first year in the school district are located in one or more approved assessing units, except a village, which have in effect a local law adopted pursuant to subdivision one of section nineteen hundred three of this article, or (b) a village located in more than one town and which has adopted the provisions of subdivision three of section fourteen hundred two of this chapter, where one-fifth or more of the parcels in the first year in the village are located in one or more approved assessing units which have in effect a local law adopted pursuant to subdivision one of section nineteen hundred three of this article.

11. "First year" means the first year in which revaluation assessments are used in determining assessments in an approved assessing unit or in an eligible non-assessing unit village.

12. "Homestead base proportion" means the proportion of the taxable assessed value of real property in the homestead class to the total taxable assessed value of all real property on the base assessment roll of an approved assessing unit or on the part of the base assessment roll applicable to a portion of such assessing unit or on the base assessment roll of an eligible non-assessing unit village; and beginning with

assessment rolls completed in nineteen hundred ninety-one and thereafter, homestead base proportion means this proportion as adjusted pursuant to the provisions of subparagraph (iii) of paragraph (a) of subdivision two of section nineteen hundred three of this article.

13. (a) "Homestead class" means (1) all one, two or three family dwelling residential real property, including such dwellings used in part for nonresidential purposes but which are used primarily for residential purposes, and farm dwellings; (2) all other residential real property consisting of more than three dwelling units held in condominium form of ownership, provided that, in other than approved assessing units which have adopted the provisions of section nineteen hundred three of this article prior to April thirtieth, nineteen hundred eighty-three, no such dwelling unit previously was on an assessment roll as a dwelling unit in other than condominium form of ownership, and provided further that the governing body of an approved assessing unit which, prior to April thirtieth, nineteen hundred eighty-three, has adopted the provisions of section nineteen hundred three of this article may by local law adopted after a public hearing prior to the taxable status date of such assessing unit next occurring after December thirty-first, nineteen hundred eighty-three, provided that all such property on the assessment roll of such assessing unit on April thirtieth, nineteen hundred eighty-three shall not be classified in the homestead class; (3) all vacant land parcels located in an assessing unit which has a zoning law or ordinance in effect, provided that such parcel is located in a zone that does not allow a residential use other than that described in subparagraph one of this paragraph, provided further, that such parcel does not exceed ten acres; and (4) land used in agricultural production which is eligible for an agricultural assessment pursuant to section three hundred five or three hundred six of the agriculture and markets law, where the owner of such land has filed an annual application for an agricultural assessment, and farm buildings and structures thereon, as defined in subdivision three of section four hundred eighty-three of this chapter.

(b) Notwithstanding the provisions of paragraph (g) of subdivision twelve of section one hundred two of this chapter, a mobile home or trailer shall not constitute a homestead for purposes of this article

unless it is owner-occupied and separately assessed.

14. "Implementation roll" means the assessment roll required by law to be completed and filed in the second year following the year in which the assessment roll upon which base percentages are to be determined pursuant to section nineteen hundred three of this article is required by law to be completed and filed.

15. "Initial percentage" means the taxable assessed value of the real property in a class in an approved assessing unit or portion thereof or in an eligible non-assessing unit village divided by the taxable assessed value of the real property in the approved assessing unit or portion thereof or in the eligible non-assessing unit village on the first assessment roll containing the revaluation or update which is the basis for the certification or recertification of such assessing unit as an approved assessing unit, except that:

(a) in the case of eligible non-assessing unit villages, such initial percentage shall be computed from the assessments on the village portion of the first town assessment roll containing revaluation assessments and used for the levy of village taxes;

(b) in the case of recertified approved assessing units which adopt local laws pursuant to subparagraph (ii) of paragraph (a) of subdivision two of section nineteen hundred three of this article, such initial percentage shall be computed from the assessed valuations on the first assessment roll containing the update which is the basis for recertification as an approved assessing unit; and

(c) where a base percentage was established pursuant to subdivision two of section nineteen hundred five of this article, as such subdivision existed on March thirty-first, nineteen hundred eighty-nine, for the roll to which the initial percentage is applicable, the initial percentage shall mean such base percentage.

16. "Interim percentage" means the taxable assessed value of the real property in a class in an approved assessing unit or portion thereof or in an eligible non-assessing unit village divided by the taxable assessed value of the real property in the approved assessing unit or portion thereof or in the eligible non-assessing unit village on any

assessment roll subsequent to the assessment roll to which the initial percentage is applicable and prior to the implementation roll.

17. "Local base proportion" means the base proportions, adjusted base proportions or the locally adjusted proportions used by the governing body of an approved assessing unit, an eligible non-assessing unit village, or a school district for the levy of taxes based on the assessment roll immediately preceding the implementation roll.

18. "Locally adjusted homestead proportion" means the proportion established by the governing body of an approved assessing unit or an eligible non-assessing unit village for the homestead class in accordance with the provisions of subdivision four of section nineteen hundred three of this article.

19. "Locally-adjusted non-homestead proportion" means the proportion established by the governing body of an approved assessing unit or an eligible non-assessing unit village for the non-homestead class in accordance with the provisions of subdivision four of section nineteen hundred three of this article.

20. "Market value survey" means studies completed by the commissioner pursuant to article twelve of this chapter.

21. "Non-homestead base proportion" means the proportion of the taxable assessed value of real property in the non-homestead class to the total taxable assessed value of all real property on the base assessment roll of an approved assessing unit or on the part of the base assessment roll applicable to a portion of such assessing unit or on the base assessment roll of an eligible non-assessing unit village; and beginning with assessment rolls completed in nineteen hundred ninety-one and thereafter, non-homestead base proportion means this proportion as adjusted pursuant to the provisions of subparagraph (iii) of paragraph (a) of subdivision two of section nineteen hundred three of this article.

22. "Non-homestead class" means all real property not included in the

homestead class.

23. "Portion" means: (a) the part of an assessing unit included within the boundaries of an eligible split tax district or a school district which is wholly contained within an approved assessing unit, other than a school district located in a city having a population of one hundred twenty-five thousand or more inhabitants; (b) the part of a town outside of all villages located therein; (c) a special district which encompasses the entire assessing unit; and (d) the entire assessing unit, with the exception of one or more villages located therein, which is a special district or for which any charge is imposed upon property pursuant to the town law. In the case of a county assessing unit, portion shall also mean each city, village and town located therein.

24. "Prior assessment" means the assessment on the roll immediately preceding the roll for which assessments are to be determined.

25. "Recertified approved assessing unit" means an approved assessing unit which has been certified by the commissioner as having completed an update in conformance with the commissioner's rules and regulations.

26. "Revaluation assessment" means the assessment determined by the assessor in accordance with the provisions of subdivision two of section three hundred five of this chapter in the first year of a revaluation or an update and the assessment so determined by the assessor for use in each year thereafter.

27. "Tax" means for the purposes of this article a charge imposed upon real property by or on behalf of a county, city, town, village or school district for municipal or school district purposes, but does not include a special ad valorem levy or a special assessment unless such special ad valorem levy is applicable to all taxable real property within a portion as defined in subdivision twenty-three of this section.

§ 1902. Certification of assessing units. 1. Whenever an assessing unit other than a special assessing unit or an approved assessing unit

which has or has had in effect a local law adopted pursuant to subdivision one of section nineteen hundred three of this article undertakes a revaluation or an update, the governing body of such assessing unit may apply to the commissioner for certification or recertification as an "approved assessing unit". The commissioner shall monitor the progress of such revaluation or update for the purpose of determining whether or not such assessing unit will be eligible for certification or recertification as an approved assessing unit.

2. Upon application by the governing body of any assessing unit, filed no later than one hundred twenty days prior to the completion of the first tentative assessment roll on which such revaluation or update shall be entered, the commissioner shall certify or recertify as an approved assessing unit any such assessing unit which has completed a revaluation or update. Such certification or recertification shall be based on the first assessment roll on which the revaluation or update is entered, provided however, if such revaluation was completed prior to December thirty-first, nineteen hundred eighty-one, such certification shall be based upon the latest completed assessment roll. A revaluation or an update shall be deemed to be completed when its results are available for entry on a tentative assessment roll. The last date for filing of an application for certification may be waived by the commissioner, if circumstances warrant. Notice of such certification or recertification, or denial thereof, shall be filed by the commissioner with the chief executive officer of such assessing unit no later than thirty days prior to the completion of the first tentative assessment roll following application pursuant to this subdivision.

3. Upon filing an application for approved assessing unit status, the governing body of a city, town or county shall forward to the school authorities of each school district located partially in such city, town or county a notice prepared by the commissioner summarizing the provisions of section nineteen hundred three-a of this article and specifying the last date provided for in subdivision one of section nineteen hundred three-a of this article for the school authorities to file a notice of intent to use homestead and non-homestead tax rates with each assessor who prepares an assessment roll used to levy the

school district's taxes.

4. If the governing body of an approved assessing unit fails to adopt the provisions of section nineteen hundred three of this article so as to apply to the revaluation or update specified in subdivision two of this section, the certification of the approved assessing unit shall expire. Nothing contained herein shall be construed so as to prohibit such an assessing unit from reapplying for certification as an approved assessing unit on the basis of a future revaluation or update.

§ 1903. Homestead base proportion and non-homestead base proportion.

1. Adoption. (a) The governing body of any approved assessing unit except a county may adopt the provisions of this section by local law without referendum provided however, that the local law is enacted no later than sixty days prior to the completion of the tentative assessment roll to which it is applicable. Upon such enactment the provisions of this section shall be applicable to taxes levied on all final assessment rolls thereafter filed and shall apply to the levy of taxes on all real property in such approved assessing unit by such governing body and, where such approved assessing unit is not a village, by each school district wholly contained within such approved assessing unit. Upon enacting a local law pursuant to this paragraph, the governing body of a city or town shall provide a copy of such local law to the school authorities of each school district located wholly or partially within such city or town and the county director of real property tax services. The governing body of a town shall also provide a copy of such local law to the governing body of each eligible non-assessing unit village. The governing body of a village shall provide a copy of such local law to the county director of real property tax services. Notwithstanding the foregoing, the school authorities of any school district wholly contained within an approved assessing unit may by resolution provide that the provisions of this article shall not apply to the levy of school taxes in such school district. In such case, school taxes shall be levied as otherwise provided by law.

(b) Whenever a county assessing unit becomes an approved assessing unit the governing body of such county may adopt, in the manner provided

by paragraph (a) of this subdivision, the provisions of this section which shall be applicable to taxes levied on all final assessment rolls thereafter filed and shall apply to the levy of taxes on all real property in such county by such governing body and by each city, village, town and school district wholly within such approved assessing unit. A copy of such local law shall be filed with the governing body of each such city, village, town and school district.

(c) The governing body of an eligible non-assessing unit village may adopt the provisions of this section by enacting a local law without referendum no later than thirty days prior to the last date provided by law for the completion and filing of the tentative assessment roll by the town in which the village is located or, where such village is located within a town which has in effect a local law adopted pursuant to this subdivision, not later than ninety days prior to the last date provided by law for the levy of village taxes. Upon such enactment, the governing body of such village shall have all the powers and duties conferred by this section on the governing body of an approved assessing unit and the provisions of this section shall apply to all village taxes levied following the final completion and filing of such town assessment roll or, where the village is located within a town which has in effect a local law adopted pursuant to this subdivision, to all village taxes levied following adoption of a local law pursuant to this paragraph, until such time as such local law is rescinded as provided in subdivision nine of this section. A copy of such local law shall be filed with the town assessor and the county director of real property tax services.

2. Determination of proportions. (a) (i) The governing body of each assessing unit which has adopted the provisions of this section shall in the first year in which this section shall apply, establish a homestead base proportion and a non-homestead base proportion for the approved assessing unit and for each portion thereof.

(ii) The governing body of a recertified approved assessing unit which at the time of such recertification has in effect a local law enacted pursuant to subdivision one of this section may by local law reestablish the homestead base proportion and non-homestead base proportion for the assessing unit and each portion thereof. Homestead and non-homestead

base proportions established pursuant to this subparagraph shall supersede the homestead and non-homestead base proportions, locally adjusted proportions or adjusted base proportions used for the immediately preceding tax levy. The local law authorized by this subparagraph may be enacted in any year not later than thirty days prior to the last date provided by law for the completion of the final assessment roll. Copies of such local law shall be provided to the county director of real property tax services and the commissioner.

(iii) For assessment rolls completed in nineteen hundred ninety-one and thereafter, up to and including the assessment roll upon which the base percentage will be computed pursuant to subdivision five of this section, in each year following the first year in which this section shall apply to an assessing unit which has adopted its provisions, the governing body of such assessing unit shall adjust the homestead base proportion and the non-homestead base proportion to reflect the addition to the assessment roll of new property, additions to or improvements of existing property or formerly exempt property or the full or partial removal from the assessment roll of property by reason of fire, demolition, destruction or new exemption or any change in the class designation of any parcel of real property subsequent to the taxable status date of the latest final assessment roll which has been finally adopted. The base proportions so adjusted shall be known as the homestead base proportion and the non-homestead base proportion.

(iv) Except as provided in paragraph (b) of this subdivision and subdivision four of this section, in any year prior to nineteen hundred eighty-nine in which the commissioner certifies to such governing body adjusted homestead base proportions and adjusted non-homestead base proportions, such governing body shall use such adjusted homestead base proportion and adjusted non-homestead base proportion thereafter for the purposes of this section until new adjusted homestead base proportions and adjusted non-homestead base proportions are so certified to it.

(b) If, in the year nineteen hundred eighty-nine, the commissioner certifies to such governing body adjusted homestead base proportions and adjusted non-homestead base proportions, such governing body may, for tax levies based upon assessment rolls completed and filed in nineteen hundred eighty-nine or nineteen hundred ninety, use such adjusted homestead base proportion and adjusted non-homestead base proportion

thereafter for the purposes of this section, or alternatively, it may use the homestead and non-homestead base proportions, the adjusted homestead and non-homestead base proportions or the locally adjusted homestead and non-homestead proportions, whichever are appropriate, used for the immediately preceding tax year.

3. Adjusted base proportions for assessment rolls completed in nineteen hundred ninety-one or thereafter.

(a) Current base proportions. (i) For each tax levy based upon the implementation roll and each subsequent roll, the legislative body of each approved assessing unit shall determine the current homestead and non-homestead base proportion, the current percentage and base percentage for the assessing unit and each portion included in its boundaries and such alterations made to such current base proportions made pursuant to subparagraph (iii) of this paragraph no later than the date on which it determines adjusted base proportions pursuant to this section.

(ii) The current base proportion shall be determined pursuant to the following formula: (1) Divide the current percentage of each class by the base percentage of such class.

(2) For each such class, multiply the result from clause one of this subparagraph by the local base proportion of such class.

(3) Sum the products obtained in clause two of this subparagraph and divide the product for each class by such sum.

(iii) Notwithstanding the provisions of subparagraph (ii) of this paragraph, the current base proportion of either class shall not exceed the adjusted base proportion, base proportion, or locally adjusted proportion, whichever is appropriate, of the immediately preceding year by more than five percent. Where the computation performed pursuant to subparagraph (ii) of this paragraph exceeds five percent for either class, the current base proportion of such class shall be limited to such five percent increase and such legislative body shall alter the current base proportions of the remaining class so that the sum of the current base proportions equals one.

(iv) Notwithstanding any other provision of law, in an approved assessing unit in the county of Suffolk and for current base proportions to be determined by taxes based on such approved assessing unit's two

thousand three - two thousand four, two thousand four - two thousand five and two thousand five - two thousand six assessment rolls, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than two percent, or in the case of the two thousand five--two thousand six, two thousand six--two thousand seven, two thousand seven--two thousand eight, two thousand eight--two thousand nine, two thousand twelve--two thousand thirteen, two thousand thirteen--two thousand fourteen, two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand sixteen, two thousand sixteen--two thousand seventeen, two thousand seventeen--two thousand eighteen, two thousand eighteen--two thousand nineteen, two thousand nineteen--two thousand twenty, two thousand twenty--two thousand twenty-one, two thousand twenty-one--two thousand twenty-two, two thousand twenty-two--two thousand twenty-three, two thousand twenty-three--two thousand twenty-four, two thousand twenty-four--two thousand twenty-five, and two thousand twenty-five--two thousand twenty-six assessment rolls, one percent. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such two percent or one percent increase whichever is applicable, and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(v) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand four assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(vi) Notwithstanding any other provision of law, in an approved

assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand five assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(vii) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand six assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(viii) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand seven assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(ix) Notwithstanding any other provision of law, in an approved assessing unit in the town of Colonie, county of Albany and for current

base proportions to be determined by taxes based on such approved assessing unit's two thousand seven assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(x) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand eight assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year by more than one percent. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xi) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand nine assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xii) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two

thousand ten assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportion of either class equals one.

(xiii) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand eleven and two thousand twelve assessment rolls, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xiv) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand thirteen roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of

either class so that the sum of the current base proportions equals one.

(xv) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand fourteen roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xvi) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand fifteen roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xvii) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand sixteen roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be

limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xviii) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand seventeen roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xix) Notwithstanding any other provision of law, in an approved assessing unit in the town of Orangetown, county of Rockland and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand eighteen--two thousand nineteen, two thousand nineteen--two thousand twenty, two thousand twenty--two thousand twenty-one, two thousand twenty-one--two thousand twenty-two, two thousand twenty-two--two thousand twenty-three, two thousand twenty-three--two thousand twenty-four, two thousand twenty-four--two thousand twenty-five, and two thousand twenty-five--two thousand twenty-six assessment rolls, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

* (xx) Notwithstanding any other provision of law, in an approved assessing unit in the town of Clarkstown, county of Rockland and for

current base proportions to be determined by taxes based on such approved assessing unit's two thousand seventeen--two thousand eighteen, two thousand eighteen--two thousand nineteen, two thousand nineteen--two thousand twenty, two thousand twenty--two thousand twenty-one, two thousand twenty-one--two thousand twenty-two, two thousand twenty-two--two thousand twenty-three, the two thousand twenty-three--two thousand twenty-four, two thousand twenty-four--two thousand twenty-five, two thousand twenty-five--two thousand twenty-six, and two thousand twenty-six--two thousand twenty-seven assessment rolls, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

* NB There are 2 sbpar (xx)'s

* (xx) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions determined by taxes based on such approved assessing unit's two thousand eighteen roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

* NB There are 2 sbpars (xx)'s

(xxi) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two

thousand nineteen roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xxii) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand twenty assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xxiii) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand twenty-one assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xxiv) Notwithstanding any other provision of law, in an approved

assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand twenty-two assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xxv) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand twenty-three assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

(xxvi) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand twenty-four assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of

either class so that the sum of the current base proportions equals one.

* (xxvii) Notwithstanding any other provision of law, in an approved assessing unit in the county of Nassau and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand twenty-five assessment roll, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

* NB There are 2 (xxvii)'s

* (xxvii) Notwithstanding any other provision of law, in an approved assessing unit in the town of Haverstraw, county of Rockland and for current base proportions to be determined by taxes based on such approved assessing unit's two thousand twenty-five--two thousand twenty-six assessment rolls, the current base proportion of any class shall not exceed the adjusted base proportion or adjusted proportion, whichever is appropriate, of the immediately preceding year, by more than one percent, provided that such approved assessing unit has passed a local law, ordinance or resolution providing therefor. Where the computation of current base proportions would otherwise produce such result, the current base proportion of such class or classes shall be limited to such one percent increase and the legislative body of such approved assessing unit shall alter the current base proportion of either class so that the sum of the current base proportions equals one.

* NB There are 2 (xxvii)'s

(b) For the purposes of this section, the base percentage and the current percentage of each class and for each portion shall be computed pursuant to this subdivision.

(i) Base percentage. The base percentage for each class for each assessing unit and portion thereof shall be determined as follows:

(1) Determine the estimated market value of each class by dividing the taxable assessed value of the real property in each class in the

approved assessing unit and portion thereof appearing on the first final assessment roll for which the commissioner has established class equalization rates by the class equalization rate which was finally adopted by the commissioner for such roll. Provided, that if the homestead and non-homestead base proportions have been adjusted by the governing body of the approved assessing unit so as to reflect physical or quantity changes occurring after the filing of such final assessment roll, the commissioner shall make the same adjustments to the estimated market value of each class determined pursuant to this paragraph.

(2) Determine the total estimated market value of the approved assessing unit or portion thereof by summing the estimated market value of each class.

(3) Divide the estimated market value for each class by the total estimated market value of the approved assessing unit or portion thereof.

Such quotient, as expressed as a percentage to at least four places to the right of the decimal point, shall be the base percentage of each class for such approved assessing unit or portion thereof.

(ii) Current percentage. The current percentage for each class for each assessing unit and portion thereof shall be determined as follows:

(1) Determine the estimated market value of each class by dividing the taxable assessed value of the real property in each class in the approved assessing unit and portion thereof appearing on the latest final assessment roll for which class equalization rates have been finally adopted by the commissioner by the class equalization rate which was finally adopted by the commissioner.

(2) Determine the total estimated market value of the approved assessing unit or portion thereof by summing the estimated market value of each class.

(3) Divide the estimated market value for each class by the total estimated market value of the approved assessing unit or portion thereof.

Such quotient, as expressed as a percentage to at least four places to the right of the decimal point, shall be the current percentage of each class for such approved assessing unit or portion thereof.

(c) Where there was no taxable real property in a class in a portion on the base assessment roll, the local base proportion, base percentages and current percentages for such portion shall be determined as provided by this paragraph for each tax levy based upon an assessment roll filed subsequent to the assessment roll on which such property first appears.

(i) The local base proportions shall be the adjusted proportions or adjusted base proportions, whichever are appropriate, determined pursuant to this section for the assessment roll on which such property first appears.

(ii) The base percentage for each class shall be determined as follows:

(1) For the class other than the class appearing for the first time, determine the estimated market value by dividing the taxable assessed value of the real property in the class in the portion on the final assessment roll on which the new class first appeared by the class equalization rate determined for such class in such portion on such roll.

(2) For the class appearing for the first time, determine the estimated market value of such class by dividing the taxable assessed value of the real property in such class on the final assessment roll on which such class first appeared by the class equalization rate determined for such class in the approved assessing unit on such final assessment roll.

(3) Determine the total estimated market value of the portion by summing the estimated market value of each class.

(4) Divide the estimated market value for each class by the total estimated market value of the portion. Such quotient, as expressed as a percentage to at least four places to the right of the decimal point, shall be the base percentage of each class for such portion.

(iii) Current percentages shall be determined as otherwise provided by this section, except that until the commissioner can determine a class equalization rate for the new class in such portion, the class equalization rate for the class in the approved assessing unit shall be used in lieu thereof.

(d) Adjusted base proportions. No later than five days subsequent to the filing of the final assessment roll, or thirty days prior to the last date prescribed by law for the first levy of taxes upon the final

assessment roll, whichever is later, the legislative body of such assessing unit shall adjust such current base proportions to reflect the addition to the assessment roll of new property, additions to or improvements of existing property or formerly exempt property or the full or partial removal from the assessment roll of property by reason of fire, demolition, destruction or new exemption or any change in the class designation of any parcel of real property subsequent to the taxable status date of the latest final assessment roll for which class equalization rates have been finally adopted. The current base proportions so adjusted shall be known as the adjusted homestead and non-homestead base proportions.

(e) Upon determination of the adjusted homestead and non-homestead base proportions, the legislative body of such assessing unit shall within five days notify the commissioner, on forms prescribed by the commissioner, of the adjusted homestead and non-homestead base proportion as computed pursuant to paragraph (c) of this subdivision for each class applicable to such assessing unit and each portion contained therein; the assessed value of all property in each class for such assessing unit and each portion contained therein; the net change in assessed value for each class on the assessment roll resulting from the additions to or removals from the assessment roll referred to in paragraph (c) of this subdivision for such assessing unit and each portion contained therein; and the net change in assessed value for each class on the assessment roll resulting from changes other than those referred to in paragraph (c) of this subdivision for such assessing unit and each portion contained therein.

(f) The commissioner shall review such adjusted homestead and non-homestead base proportions for accuracy of its determination and compliance with the provisions of this subdivision. The commissioner shall complete its review no later than ninety days after the receipt of such adjusted homestead and non-homestead base proportions. The commissioner shall notify the legislative body of such approved assessing unit of any adjusted homestead and non-homestead base proportions to which it objects and the reasons therefor. A hearing shall be conducted by the commissioner within ten days after notification of such objection. The provisions of section five hundred twenty-five of this chapter shall apply so far as practicable to a

hearing under this section. After the hearing, if the commissioner finds that the adjusted homestead and non-homestead base proportions have been determined incorrectly, it shall direct the local legislative body to redetermine the adjusted homestead and non-homestead base proportions in compliance with its findings.

(g) If the legislative body of the approved assessing unit discovers that a mathematical error was made in the determination of the adjusted homestead and non-homestead base proportions, or is directed by the commissioner after a hearing to redetermine the adjusted homestead and non-homestead base proportions, it shall redetermine the adjusted homestead and non-homestead base proportions prior to the levy of taxes for that fiscal year. If the redetermination cannot be made prior to the extension of taxes for that fiscal year, the tax levying body shall adjust the tax levy for the ensuing fiscal year to account for the improper apportionment of taxes which resulted from the error in the determination of the adjusted homestead and non-homestead base proportions, upon notice to the commissioner.

(h) Where there is a new portion that did not appear on the base assessment roll, the local base proportion, base percentages and current percentages for each class in such portion shall be determined as provided in paragraph (c) of this subdivision for a new class in a portion.

4. Locally-adjusted proportions. (a) In the first year in which this section applies, the governing body of such assessing unit may alter the homestead base proportion of such assessing unit or for any portion by subtracting the homestead base proportion from the initial percentage for the homestead class and multiplying the difference by ten percent, twenty percent, twenty-five percent, thirty percent, forty percent, fifty percent, sixty percent, seventy percent, seventy-five percent, eighty percent, ninety percent or one hundred percent; the product thereof shall be added to the homestead base proportion and such sum shall be the locally-adjusted homestead proportion, which shall be used for all purposes of this section until a new locally adjusted proportion is adopted by such governing body or until an adjusted homestead base proportion is determined by such governing body. Where a locally-adjusted homestead proportion is established pursuant to this

paragraph, the locally-adjusted non-homestead proportion shall be equal to the difference between the whole number one and the locally-adjusted homestead proportion.

(b) In each year after the first year in which this section applies and until an adjusted homestead base proportion and adjusted non-homestead base proportion are determined by the governing body, the governing body may alter the homestead base proportion or locally-adjusted homestead proportion, whichever was used in the immediately preceding levy, by subtracting such homestead base proportion from the interim percentage for the homestead class and multiplying the difference by ten percent, twenty percent, twenty-five percent, thirty percent, forty percent, fifty percent, sixty percent, seventy percent, seventy-five percent, eighty percent, ninety percent or one hundred percent; the product thereof shall be added to such proportion and such sum shall be the locally-adjusted homestead proportion, which shall be used for the purposes of this section until a new adjusted homestead base proportion is determined by the governing body. Where a locally-adjusted homestead proportion is established pursuant to this paragraph, the locally-adjusted non-homestead proportion shall be equal to the difference between the whole number one and the locally-adjusted homestead proportion.

(c) When the governing body determines an adjusted homestead base proportion and an adjusted non-homestead base proportion, the locally-adjusted homestead proportion and locally-adjusted non-homestead proportion used in the immediately preceding tax levy shall no longer be used for the purposes of this section. The governing body may alter such adjusted homestead base proportion of such assessing unit or for any portion by subtracting such proportion from the current percentage for the homestead class and multiplying the difference by ten percent, twenty percent, twenty-five percent, thirty percent, forty percent, fifty percent, sixty percent, seventy percent, seventy-five percent, eighty percent, ninety percent or one hundred percent; the product thereof shall be added to such proportion and such sum shall be the locally-adjusted homestead proportion, which shall be used for the purposes of this section until a new adjusted homestead base proportion is determined by the governing body. Where a locally-adjusted homestead proportion is established pursuant to this paragraph, the

locally-adjusted non-homestead proportion shall be equal to the difference between the whole number one and the locally-adjusted homestead proportion.

5. Assessing unit levies. The governing body of each such approved assessing unit shall, in each year in which this section applies, allocate to the homestead class a share of taxes levied by it equal to the applicable homestead base proportion, adjusted homestead base proportion or locally-adjusted homestead proportion for the assessing unit or portion thereof. The remainder of such levies shall be allocated to the non-homestead class utilizing the non-homestead base proportion, adjusted non-homestead base proportion or locally-adjusted non-homestead proportion, as appropriate.

6. Levies in school districts wholly contained within an approved assessing unit and counties which are approved assessing units. (a) The governing body of any approved assessing unit other than a county, which has adopted the provisions of this section shall annually certify to the chief fiscal officer of each school district wholly contained within such assessing unit and to the commissioner, the applicable homestead base proportions and non-homestead base proportions, adjusted homestead and non-homestead base proportions or locally-adjusted homestead proportions and locally-adjusted non-homestead proportions. Such certification shall be made at the same time as the delivery of the assessment roll to such school district.

(b) The governing body of any approved assessing unit which is a county and has adopted the provisions of this section shall annually certify to the chief fiscal officer of such county, to such officer of each city, village, town or school district which levies taxes on its roll, and to the commissioner, the applicable homestead base proportion and non-homestead base proportion, adjusted homestead and non-homestead base proportion or locally adjusted homestead proportion and locally-adjusted non-homestead proportion. Such certification shall be made at the same time as the delivery of the assessment roll to such county, city, village, town, or school district.

(c) Each such officer shall allocate, to the homestead class of such portion, a share of the tax levied on such portion in accordance with

the other applicable provisions of law equal to such homestead base proportion, adjusted homestead base proportion, or locally-adjusted homestead proportion. The remainder of such levy shall be allocated to the non-homestead class utilizing the non-homestead base proportion, non-homestead adjusted base proportion, or locally-adjusted non-homestead proportion, as appropriate.

(i) For taxes levied based on assessment rolls completed prior to nineteen hundred eighty-nine, unless a new locally-adjusted homestead proportion and locally-adjusted non-homestead proportion is certified to such an officer by such governing body, in any year in which the commissioner certifies to such an officer an adjusted homestead base proportion and adjusted non-homestead base proportion, such officer shall use such adjusted homestead base proportion and adjusted non-homestead base proportion thereafter for the purposes of this section until a new adjusted homestead base proportion and adjusted non-homestead base proportion are so certified.

(ii) If, in the year nineteen hundred eighty-nine, the commissioner certifies adjusted homestead base proportions and adjusted non-homestead base proportions, the governing body of the approved assessing unit may, for tax levies based upon assessment rolls completed and filed in nineteen hundred eighty-nine or nineteen hundred ninety, use such adjusted homestead and non-homestead base proportions for the purposes of this paragraph, or alternatively, such body may use the homestead and non-homestead base proportions, the locally adjusted homestead and non-homestead proportions or the adjusted homestead and non-homestead base proportions, whichever is appropriate, used for the immediately preceding tax year.

(iii) For taxes levied based on assessment rolls completed and filed in nineteen hundred ninety-one and thereafter, the officer shall use such base proportions, adjusted homestead and non-homestead base proportions or locally adjusted homestead and non-homestead proportions as are certified to him in that year by the legislative body of the approved assessing unit, pursuant to the requirements of this section.

7. Annual certification by approved assessing units. The governing body of any approved assessing unit, other than a village, which has adopted the provisions of this section shall certify annually to the

school authorities of each school district which contains such assessing unit or a portion thereof that the local law adopting the provisions of this section is in effect. Such certification shall set forth the homestead and non-homestead base proportions established for the school district portion, the adjusted homestead and non-homestead base proportions or, if locally adjusted homestead and non-homestead proportions have been established for such portion, such locally adjusted homestead and non-homestead proportions, whichever is applicable. Such certification shall be made at the same time as the delivery of the current assessment roll to such school district.

8. Placing on or removal from assessment roll. Nothing in this section shall prevent placing on the assessment roll new property, additions to or improvements of existing property or formerly exempt property or the full or partial removal from the roll of property by reason of fire, demolition, destruction or new exemption.

9. Rescission. The governing body of any approved assessing unit or eligible non-assessing unit village which has adopted the provisions of this section may by local law without referendum, no later than the last date prescribed by law for the levy of taxes upon an assessment roll to which it would otherwise be applicable, determine that the provisions of this section shall no longer apply to any subsequent levies on its assessment roll. A copy of such local law shall be provided to the municipal corporations, bodies and officers receiving copies of local laws enacted pursuant to subdivision one of this section.

10. Determination. The determination of inclusion within or exclusion from the homestead class or non-homestead class for purposes of this section shall be subject to administrative and judicial review as provided by law for review of assessments.

§ 1903-a. Optional homestead and non-homestead tax rates in eligible split tax districts. 1. Notice of intent. (a) The governing body of an eligible split tax district which intends to establish homestead and non-homestead tax rates shall file a notice of intent to establish

homestead and non-homestead tax rates with each assessor who prepares an assessment roll used in whole or in part for the levy of taxes by such tax district. The notice shall be filed with each assessor on or before the taxable status date of the first assessment roll to which homestead and non-homestead tax rates may apply. A copy of the notice of intent shall also be filed with the county director of real property tax services.

(b) The governing body of a school district or village which expects one or more cities or towns within the school district or village to adopt local laws pursuant to section nineteen hundred three of this article and thereby render the school district or village an eligible split tax district and which intends to establish homestead and non-homestead tax rates is authorized to and shall file the notice of intent required by paragraph (a) of this subdivision.

(c) The governing body of an eligible split tax district which has filed a notice of intent pursuant to this subdivision and which does not intend to establish homestead and non-homestead tax rates may cancel such notice of intent, provided that such cancellation shall not prohibit a subsequent filing of the notice of intent. A copy of such cancellation shall be filed with the appropriate assessors and county director of real property tax services.

2. Classification of assessment rolls; assessor certification. Upon receiving notice pursuant to subdivision one of this section, each assessor who prepares an assessment roll used in whole or in part for the levy of the taxes by such eligible split tax district shall classify in either the homestead or non-homestead class each property listed on such roll or on the part thereof applicable to such tax district. Such classification of individual properties shall be subject to administrative and judicial review pursuant to title one-A of article five and title one of article seven of this chapter. Upon completion and filing of a final assessment roll classified pursuant to this subdivision, the assessor shall certify to the authorities of the tax district the total assessed value and total taxable assessed value of the real property subject to taxation for purposes of the tax district in the homestead and non-homestead class, respectively, as determined from such assessment roll or part thereof applicable to the tax

district. The classification and certification requirements of this subdivision shall apply until the governing body of an eligible split tax district either cancels the notice of intent to establish homestead and non-homestead tax rates pursuant to subdivision one of this section or rescinds a resolution adopting the provisions of this section pursuant to subdivision five of this section.

3. Adoption. The governing body of an eligible split tax district which has filed a notice of intent pursuant to subdivision one of this section may adopt the provisions of this section by resolution, following a public hearing, at any time prior to the levy of the district's taxes. Prior notice of such hearing shall be published at least once in a newspaper having general circulation in the tax district and shall be provided to the governing body of each city and town located wholly or partially within the tax district. Adoption of such resolution shall require use of homestead and non-homestead tax rates calculated pursuant to subdivision four of this section for all subsequent tax levies until such resolution is rescinded as provided in subdivision five of this section. A copy of such resolution shall be filed with the body, officer or employee that computes the tax rates and the county director of real property tax services.

4. Calculation of tax rates. (a) Equalization by class. The tax authorities shall determine for the homestead and non-homestead classes, respectively, the total full valuation and total taxable full valuation of the real property subject to taxation for district purposes in each city or town or part thereof included within the tax district. The total full valuation of a class in a city or town or part thereof shall be computed by dividing the total assessed value of the property in the class by the state equalization rate or special equalization rate prescribed in section thirteen hundred fourteen of this chapter. The total taxable full valuation of a class in a city or town or part thereof shall be computed by dividing the total taxable assessed value of the property in the class by the state equalization rate or special equalization rate prescribed in section thirteen hundred fourteen of this chapter.

(b) Aggregate tax district homestead and non-homestead proportions.

The governing body of the tax district shall establish by annual resolution an aggregate tax district homestead proportion and an aggregate tax district non-homestead proportion. The aggregate tax district homestead proportion shall be computed by dividing the aggregate taxable full valuation of the real property in the homestead class in the tax district as a whole by the aggregate taxable full valuation of the real property in both the homestead and non-homestead classes in the tax district as a whole. The aggregate tax district non-homestead proportion shall be computed by subtracting the aggregate tax district homestead proportion from the whole number one.

(c) Aggregate homestead and non-homestead tax shares. The governing body of the tax district shall determine by annual resolution the percentage of the tax levy to be allocated to each class in the tax district as a whole by establishing an aggregate homestead tax share and an aggregate non-homestead tax share. The aggregate homestead tax share shall be no less than seventy-five percent and no more than one hundred percent of the aggregate tax district homestead proportion, subject to the following constraints:

(i) the aggregate non-homestead tax share shall not exceed one hundred twenty-five percent of the aggregate tax district non-homestead proportion;

(ii) where more than fifty-seven and one-half percent of the aggregate taxable full valuation of the real property in the non-homestead class in the eligible split tax district which is a school district as a whole is attributable to non-homestead real property located in one or more city or town approved assessing units which have in effect a local law adopted pursuant to section nineteen hundred three of this article, the aggregate non-homestead tax share shall not exceed the non-homestead base proportion, adjusted non-homestead base proportion or locally adjusted non-homestead proportion certified pursuant to subdivision seven of such section nineteen hundred three or where the eligible split tax district which is a school district is located in more than one such city or town, an average of such proportions weighted by the total taxable full valuation of the non-homestead class in each such city or town or part thereof within the eligible split tax district which is a school district; and

(iii) the sum of the aggregate homestead and non-homestead tax shares

shall equal one hundred percent.

The governing body of the tax district shall certify the aggregate homestead and non-homestead tax shares to the body, officer or employee that computes the tax district's tax rates.

(d) Apportionment by class. The body, officer or employee that computes the tax district's tax rates shall allocate to the homestead and non-homestead classes in the tax district as a whole, respectively, a share of the amount to be raised equal to the applicable aggregate homestead or non-homestead tax share. The amount to be raised from each such class in the tax district as a whole shall then be apportioned separately among the cities or towns or parts thereof in which the tax district is located in proportion to the percentage that the total full valuation of the class in each such city or town or part thereof bears to the aggregate total full valuation of the class in the tax district as a whole. The amount so apportioned to each class in each city or town shall be the amount to be raised from that class in that city or town.

(e) Class tax rates. The body, officer or employee that computes the tax district's tax rates shall compute a tax rate for the homestead class and a separate tax rate for the non-homestead class for each city or town or part thereof in which the tax district is located. The tax rate for a class in a city or town or part thereof shall be computed by dividing the amount to be raised from the class in that city or town by the total taxable assessed value of the real property in the class in that city or town or part thereof as entered on the final assessment roll used for the levy of the tax district's taxes.

(f) Correction and review. The equalization and apportionment required by this subdivision shall be subject to correction and review to the extent practicable as provided in section thirteen hundred fourteen of this chapter.

5. Rescission. The governing body of the tax district may rescind a resolution adopting the provisions of this section, without a public hearing, at any time prior to the levy of taxes for the fiscal year to which such resolution is applicable. A copy of such resolution shall be filed with the body, officer or employee that computes the tax district's tax rates, each assessor who prepares an assessment roll used in whole or in part for the levy of the tax district's taxes and the

county director of real property tax services.

6. Expiration. A notice of intent shall expire if the governing body fails to adopt the provisions of this section within one year after filing the notice of intent. Upon the expiration of a notice of intent, the classification requirements of this section shall cease to be applicable, but may be reinstated by the filing of a new notice of intent.

§ 1904. Transition assessment. 1. The governing body of any approved assessing unit may adopt the provisions of this section by local law without referendum, no later than thirty days prior to filing of the tentative assessment roll in the first year of a revaluation, provided, however, that if the governing body of a town adopts a local law pursuant to this subdivision the provisions of this section shall apply to each eligible non-assessing unit village within such town.

2. The assessors in each approved assessing unit which has adopted the provisions of this section shall, in the first year in which revaluation assessments are to be entered on the assessment roll and for each of the next three succeeding years, determine for each parcel for which the revaluation assessment is greater than the assessment for the same parcel on the immediately preceding assessment roll, a transition assessment as follows:

(a) In the first year subtract the prior assessment from the revaluation assessment, divide the difference by five and add the result to such prior assessment.

(b) In the second year, subtract the prior assessment from the revaluation assessment, divide the difference by four and add the result to such prior assessment.

(c) In the third year, subtract the prior assessment from the revaluation assessment, divide the difference by three and add the result to such prior assessment.

(d) In the fourth year, subtract the prior assessment from the revaluation assessment, divide the difference by two and add the result to such prior assessment.

(e) In the fifth year and thereafter, the revaluation assessment shall be the assessment.

3. The assessors in each approved assessing unit which has adopted the provisions of this section shall, in the first year in which revaluation assessments are to be entered on the assessment roll and for each of the next three succeeding years, determine for each parcel for which the revaluation assessment is less than the assessment for the same parcel on the immediately preceding assessment roll, a transition assessment as follows:

(a) In the first year, subtract the revaluation assessment from the prior assessment, divide the difference by five and subtract the result from such prior assessment.

(b) In the second year, subtract the revaluation assessment from the prior assessment, divide the difference by four and subtract the result from such prior assessment.

(c) In the third year, subtract the revaluation assessment from the prior assessment, divide the difference by three and subtract the result from such prior assessment.

(d) In the fourth year, subtract the revaluation assessment from the prior assessment, divide the difference by two and subtract the result from such prior assessment.

(e) In the fifth year and thereafter, the revaluation assessment shall be the assessment.

4. In the event that new property is added to a parcel during the first, second, third or fourth year, such assessors shall increase the prior year's assessment for such parcel by an amount which equals the product of multiplying the revaluation assessment for such new property by the state equalization rate established for the prior assessment roll.

5. In the event that any portion of a parcel is fully or partially removed from the roll during the first, second, third or fourth year by reason of fire, demolition, destruction or new exemption such assessors shall reduce the prior year's assessment for any remaining portion in the same proportion as the revaluation assessment is reduced for such

fire, demolition, destruction or new exemption.

6. Notwithstanding any other provision of this chapter, the commissioner shall prescribe a form of the assessment roll to enable the assessors of approved assessing units to make the entries on the roll in accordance with the provisions of this section.

7. In establishing state equalization rates, special state equalization rates and special state equalization ratios under article twelve, article twelve-A and article twelve-B of this chapter, the commissioner shall use the transition assessments as provided for in this section in its determinations.

8. The provisions of this section shall not apply to the assessment of real property owned by the state and which is subject to taxation pursuant to title two of article five of this chapter, nor shall the provisions of this section apply to the assessment of any real property for which a statute provides that a state equalization rate or special equalization rate shall be employed to determine the assessed value or the taxable assessed value.

§ 1905. Commissioner adjustments for assessment rolls completed prior to nineteen hundred ninety. 1. Certification. (a) Not later than the sixth assessment roll following the first assessment roll for which the same homestead base proportions and non-homestead base proportions are effective in any approved assessing unit or eligible non-assessing unit village and not less than once in every three subsequent years, the commissioner shall certify to the chief executive officer of such approved assessing unit or eligible non-assessing unit village and to the appropriate fiscal officer of each county and school district in which such approved assessing unit is included, adjusted homestead base proportions and adjusted non-homestead base proportions. The commissioner shall also certify to the executive officer of such assessing unit or eligible non-assessing unit village the current percentages determined pursuant to subdivision three of this section and used in calculating such proportions. Such certifications shall be made

no later than thirty days prior to the last date provided by law for the levy of taxes in each such approved assessing unit, eligible non-assessing unit village, county or school district.

(b) If it is made to appear to the commissioner by a statement of the assessors of an approved assessing unit, subscribed and affirmed by them as true under the penalties of perjury, that there has been a change in excess of ten percent in the percentage that the estimated taxable market value of the homestead class constitutes of the total estimated taxable market value of all real property in such assessing unit or eligible non-assessing unit village or in any portion thereof since certification of the most recent homestead base proportions and non-homestead base proportions or adjusted homestead base proportions and adjusted non-homestead base proportions, the commissioner shall certify adjusted homestead base proportions and adjusted non-homestead base proportions and current percentages for such assessing unit, eligible non-assessing unit village, or portion thereof in accordance with the provisions of this section.

(c) In the case of an approved assessing unit which has completed a revaluation prior to the effective date of this section, the commissioner shall certify adjusted homestead base proportions and adjusted non-homestead base proportions and current percentages for the first roll to which the provisions of section nineteen hundred three of this article shall apply.

2. Base percentage. The commissioner shall compute for each such approved assessing unit or eligible non-assessing unit village and for each portion thereof the percentage that the estimated taxable market value of each of the homestead class and non-homestead class constitute of the total estimated taxable market value of all real property. Such base percentage shall be computed on the basis of the assessed valuations on the first assessment roll containing the revaluation or update which is the basis for the certification or recertification of such assessing unit as an approved assessing unit, except that:

(a) in the case of approved assessing units which completed revaluation programs prior to the effective date of this section, such base percentage shall be computed on the basis of the first assessment roll which incorporated such revaluation;

(b) in the case of eligible non-assessing unit villages, such base percentage shall be computed from the assessments on the village portion of the first town assessment roll containing revaluation assessments and used for the levy of village taxes; and

(c) in the case of recertified approved assessing units which adopt local laws pursuant to subparagraph (ii) of paragraph (a) of subdivision two of section nineteen hundred three of this article, such base percentage shall be computed from the assessed valuations on the first assessment roll containing the update which is the basis for recertification as an approved assessing unit.

3. Current percentage. (a) In each year in which the commissioner completes a market value survey which uses a base year assessment roll later than that used in subdivision two of this section, it shall compute for such base year assessment roll percentages as prescribed in subdivision two of this section.

(b) In the case of an approved assessing unit which has completed a revaluation program prior to the effective date of this section, for the purpose of paragraph (d) of subdivision one of this section such percentages shall be computed on the basis of the assessed valuations on the assessment roll which is the basis of the certification of such approved assessing unit.

4. Additional market value surveys. In the event that no market value survey as may be required to comply with the provisions of this section is otherwise available, the commissioner shall revise an existing survey or complete an additional survey in conformance with the requirements of this section.

5. Computation of adjusted homestead base proportions and adjusted non-homestead base proportions. In each year in which it is required to compute a current percentage pursuant to subdivision one or three of this section, such commissioner shall compute the adjusted homestead base proportion and adjusted non-homestead base proportion as follows:

(a) Divide the current percentage of each of the two classes which are described in subdivision two of this section by the base percentage of each such class.

(b) For each such class, multiply the result from paragraph (a) of this subdivision by the proportion established in accordance with subdivision two of section nineteen hundred three of this article. (c) Sum the products obtained in paragraph (b) of this subdivision and divide the product for each such class by such sum. The result for the homestead class is the adjusted homestead base proportion and the result for the non-homestead class is the adjusted non-homestead base proportion.

6. The provisions of this section shall apply to assessment rolls completed prior to nineteen hundred ninety.

§ 1905-a. Commissioner certifications for assessment rolls completed during and after nineteen hundred eighty-nine. (a) For each approved assessing unit and eligible non-assessing unit village for which the commissioner certified adjusted homestead base proportions and adjusted non-homestead base proportions in the year nineteen hundred eighty-nine, the commissioner shall determine and certify as provided by article twelve of this chapter the class equalization rate for each class in such approved assessing unit and each portion thereof and for each class in such eligible non-assessing unit village on the assessment roll completed and filed in the year nineteen hundred eighty-nine and each roll thereafter.

(b) For each other approved assessing unit and eligible non-assessing unit village which has adopted the provisions of section nineteen hundred three of this article, the commissioner shall determine and certify, as provided by article twelve of this chapter, class equalization rates for such approved assessing unit and each portion thereof and for such eligible non-assessing unit village for an assessment roll filed no later than the sixth year following the filing of the first assessment roll to which the provisions of section nineteen hundred three of this article are applicable, and for each roll filed thereafter.

§ 1906. Rules and regulations. The commissioner may prescribe such

rules and regulations as may be necessary to implement the provisions of this article.

ARTICLE 19-A

SPECIAL DEFERMENTS AND INSTALLMENT PAYMENTS DURING THE COVID-19 STATE OF EMERGENCY

Section 1910. Special deferments and installment payments during the COVID-19 state of emergency.

§ 1910. Special deferments and installment payments during the COVID-19 state of emergency. 1. Notwithstanding any other provision of law to the contrary, applicable to all real property for the duration of the state disaster emergency declared pursuant to Executive Order Number 202 of two thousand twenty (hereinafter the "state disaster emergency"), and after a public hearing, the legislative body of any village, town, city or county may adopt a single local law, or a school district may adopt a single resolution, providing that thereafter and until such local law or resolution is repealed, such taxing jurisdiction shall defer the scheduled payment or installments of taxes and special ad valorem levies due during the state disaster emergency until such date certain that such local law or resolution shall specify; and provided further, that no taxing jurisdiction shall defer the scheduled payments of such taxes of another taxing jurisdiction without such other taxing jurisdiction's authorization via passage of a local law; and provided further, that no such local law or resolution shall provide a deferment of any tax payment due date that extends beyond one hundred twenty days past the original due date of such taxes; and provided further, that any liability which would normally accrue against a county under section nine hundred thirty-six, nine hundred seventy-six, or thirteen hundred thirty of the real property tax law, or any other general or special law, or any local law, ordinance, resolution, or city or county charter, shall be waived insofar as such liability is created by such taxing jurisdiction's decision to defer taxes or special ad valorem levies under this section.

2. Notwithstanding any other provision of law to the contrary, applicable to all real property for the state disaster emergency, and after a public hearing, the legislative body of any village, town, city, or county may adopt a single local law, or a school district may adopt a single resolution, providing that tax payments or special ad valorem levies normally due to such taxing jurisdiction may be separated into as many installment payments as are necessary to provide financial relief to taxpayers in such jurisdiction; provided however, that such local law or resolution shall set dates certain for such payments, and shall not impose any additional obligation on taxpayers for not paying any portion of taxes earlier than would normally be due under the taxing jurisdiction's normal schedule; and provided further, that no taxing jurisdiction may separate the tax collection dates of another taxing jurisdiction without such taxing jurisdiction's authorization via passage of a local law; and provided further, that the final payment of such payment schedule must be no later than one hundred twenty days after the original tax payment due date; and provided further, that any liability which would normally accrue against a county under section nine hundred thirty-six, nine hundred seventy-six, or thirteen hundred thirty of the real property tax law, or any other general or special law, or any local law, ordinance, resolution, or city or county charter, shall be waived insofar as such liability is created by such taxing jurisdiction's decision to defer taxes under this section.

ARTICLE 20

CONSTRUCTION; LAWS REPEALED; EFFECTIVE DATE

- Section 2000. Severability.
- 2002. Saving clause.
- 2004. Preservation of rights of state.
- 2006. Exceptions.
- 2008. Effect of chapter.
- 2010. Pending actions and proceedings.
- 2012. Existing rights and remedies preserved.
- 2014. Laws repealed.
- 2016. Effective date.

§ 2000. Severability. If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 2002. Saving clause. 1. An act of the legislature of the years nineteen hundred fifty-eight or nineteen hundred fifty-nine, which

(a) Repeals or purports to repeal any provision of law codified or amended by this chapter, shall be legally effective and the provisions of law so codified or amended by this chapter be deemed to have been repealed accordingly by such act of the legislature.

(b) Amends or purports to amend any provision of law codified, amended or repealed by this chapter, shall be legally effective and controlling and

(1) in the case of a provision of law codified or amended by this chapter, such act also shall be construed as a further amendment of the corresponding provision as so codified or amended by this chapter and such corresponding provision shall be deemed and construed to have been further amended as though the same had been expressly and in terms so amended, or

(2) in the case of a provision of law repealed by this chapter, such repealer by this chapter shall not take effect and such amendment by such act of the legislature shall be deemed to amend this chapter accordingly, given full effect according to its context as if the same had expressly and in terms amended this chapter, and be deemed and construed to have been inserted in this chapter in juxtaposition to and, where appropriate, as modifying the effect of the corresponding provision or provisions of this chapter.

(c) Adds or purports to add any provision of law relating to assessment or taxation of real property to the tax law, the education law, the village law or any other consolidated or general law shall be legally effective and also shall be construed as having been added to

this chapter, given full effect according to its context as if the same had been added expressly and in terms to this chapter, and be deemed and construed to have been inserted in this chapter in juxtaposition to and, where appropriate, as modifying the effect of the corresponding provision or provisions of this chapter.

2. This chapter shall not revive any provision of law which shall have terminated or expired before the time this chapter takes effect or which would otherwise have terminated or expired, nor shall this chapter extend the effective period of any provision of law beyond the time when it would otherwise terminate or expire.

3. The repeal of sections five-b, five-c, five-f, five-g and five-h of the tax law by this chapter shall not affect or impair the validity or operation of any local law, ordinance or resolution adopted pursuant to any such section. For the purposes of actions or proceedings which may or have been taken or rights which may or have been granted or obtained thereunder, such sections of the tax law and such local laws, ordinances or resolutions shall continue in force and effect as fully and to the same extent as if such sections of the tax law had not been so repealed.

4. Notwithstanding the repeal of section twenty-two of the tax law and subdivision one of section thirty-five hundred seven of the education law by this chapter, all lands acquired by the state after the nineteenth day of April, nineteen hundred fifty for state park purposes in the town of Gallatin, Columbia county, exclusive of the improvements erected thereon by the state, shall be subject to taxation and special ad valorem levies until May first, nineteen hundred sixty, and while any bonds of union free school district number one of the towns of Dannemora and Saranac, Clinton county, issued prior to the year nineteen hundred thirty-three remain unpaid, any improvements not erected by the state on lands owned by it on April twenty-fourth, nineteen hundred thirty-three, which lands were privately owned and formed part of the taxable property of such district at the time of such bond issue, shall be subject to taxation for school purposes.

5. The repeal by this chapter of subdivision six, six-a and seven of

section two of the tax law and the last two sentences of section three of such law and the re-enactment of the provisions thereof in subdivisions twelve and seventeen of section one hundred two of this chapter are intended to effectuate a continuation and restatement, without change in substance or effect, of the provisions of such laws and the classification of any property as real property or personal property, as the case may be, shall not be broadened, increased, discontinued, diminished, affected or impaired by reason of such re-enactment.

6. The repeal by this chapter of section four of the tax law, section fifteen hundred two of the education law, section five of the general municipal law and chapter four hundred twenty-nine of the laws of nineteen hundred eleven and the re-enactment of the provisions thereof in article four of this chapter are intended to effectuate a continuation and restatement, without change in substance or effect, of the provisions of such laws and no exemption heretofore granted shall be broadened, increased, discontinued, diminished or impaired, or new exemption granted or authorized by reason of such re-enactment.

7. Notwithstanding the provisions of sections five hundred six, five hundred sixteen, nine hundred twenty or twelve hundred eighteen of this chapter which require newspaper publication or posting of certain notices on the sign-board maintained at the entrance of the office of the town clerk, any notice given on or before October first, nineteen hundred sixty-one, shall be deemed valid and in full compliance with such requirements if given pursuant to the law as it existed immediately prior to the effective date of this chapter.

8. The use of the term "commissioner" in this chapter shall in no way extend or be construed to extend the existence of the temporary commission created by chapter three hundred forty-six of the laws of nineteen hundred forty-nine, as amended, nor shall this chapter affect or impair any right, power or duty of any state department or agency, upon the expiration of the existence of such temporary commission, to exercise and discharge the rights, powers and duties of such temporary commission.

§ 2004. Preservation of rights of state. 2. This chapter shall not affect the manner or time of payment of amounts payable to the state by certain counties on account of bonds issued for highway construction purposes pursuant to chapter four hundred sixty-nine of the laws of nineteen hundred six, as amended.

§ 2006. Exceptions. This chapter shall not be deemed to repeal or otherwise affect the provisions of any special or local law or ordinance or of any county, city or village charter, or other special form of government, it being the intention of the legislature that the same shall continue in full force and effect until and unless otherwise duly amended, repealed or affected.

§ 2008. Effect of chapter. 1. Provisions of this chapter that are substantially the same in substance and effect as those which are in force immediately prior to the time this chapter shall take effect and which are repealed by this chapter are intended to be codifications and continuations of such latter provisions of law and not new enactments.

2. Reference in any general, special or local law, county, city or village charter or other special form of government, ordinance, resolution, rule, regulation or document to any provision of the tax law, education law, village law, general municipal law, or other law repealed by this chapter, in force at the time this chapter shall take effect, shall be deemed and construed to refer to the corresponding provision of the real property tax law, as re-enacted, codified, modified or amended by this chapter.

§ 2010. Pending actions and proceedings. No action or proceeding pending at the time when this chapter shall take effect shall be affected by any provision of this chapter, but the same may be prosecuted, defended or enforced as if this chapter had not been

enacted.

§ 2012. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by reason of this chapter, nor shall the validity of any action taken by any public official under the law in force immediately prior to the time this chapter shall take effect be affected by the enactment of this chapter.

§ 2014. Laws repealed. Of the laws enumerated in the schedule hereto annexed and subject to the provisions of this article, that portion specified in the last column is hereby REPEALED.

§ 2016. Effective date. This act shall take effect October first, nineteen hundred fifty-nine.