

S T A T E O F N E W Y O R K

893--A

2015-2016 Regular Sessions

I N S E N A T E

January 7, 2015

Introduced by Sens. AVELLA, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee AN ACT to amend the real property tax law, the administrative code of the city of New York and the real property law, in relation to classifying properties held in condominium and cooperative form for assessment purposes as class one-a properties; and to amend the general municipal law and the education law, in relation to establishing limitations upon school district and local government tax levies in the city of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 1802 of the real property tax law, as separately amended by chapters 123 and 529 of the laws of 1990, paragraph class one as amended by chapter 332 of the laws of 2008, is amended to read as follows:

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 ONE-A:

ALL OTHER RESIDENTIAL REAL PROPERTY HELD IN CONDOMINIUM OR COOPERATIVE FORM OF OWNERSHIP WHICH IS NOT DESIGNATED AS CLASS ONE; THE DEPARTMENT OF FINANCE OF ANY CITY ENACTING A LOCAL LAW PURSUANT TO THIS SECTION SHALL RECLASSIFY CLASS ONE-A PROPERTIES USED PRIMARILY TO GENERATE RENTAL INCOME TO CLASS TWO. 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 CARRYOUT THE PURPOSES OF THIS SECTION INCLUDING, BUT NOT LIMITED TO, RULES DEFINING THE CLASS ONE-A PROPERTIES PRIMARILY USED TO GENERATE RENTAL INCOME, AND RELATING TO THE TIMING, FORM AND MANNER OF ANY CERTIFICATION REQUIRED TO BE SUBMITTED UNDER THIS SECTION. IF A PROPERTY PREVIOUSLY RECLASSIFIED FROM CLASS ONE-A TO CLASS TWO CEASES TO BE USED PRIMARILY TO GENERATE RENTAL INCOME, THE DEPARTMENT SHALL RECLASSIFY SUCH PROPERTY TO CLASS ONE-A. THE DEPARTMENT SHALL USE A FIVE-YEAR PERIOD WHEN DETERMINING WHETHER A PROPERTY IS USED PRIMARILY TO GENERATE RENTAL INCOME THE DEPARTMENT SHALL RECLASSIFY SUCH PROPERTY TO CLASS ONE-A. THE DEPARTMENT SHALL USE A FIVE-YEAR PERIOD WHEN DETERMINING WHETHER A PROPERTY IS USED PRIMARILY TO GENERATE RENTAL INCOME