

Real Property Tax

* § 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

TOWN LAW

Local Law No. /2016

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A local law amending Chapter 440 of the Code of the Town of Greenburgh entitled "Taxation" by amending Article XII of Chapter 440 entitled "Property Reassessment" by creating a new subsection 440-67.1 entitled "Residential Reassessment Exemption" to allow the Town Assessor to phase in assessments over a three year period, instead of immediately, pursuant to Section 485-s of the New York State Real Property Tax Law.

BE IT ENACTED by the Town Board of the Town of Greenburgh as follows:

§ 1. Title. § 2. Legislative Findings § 3. Addition of subsection 440-67.1 § 4. Severability. § 5. Effective Date.

§ 1. Title. "A Local Law amending Chapter 440 of the Code of the Town of Greenburgh entitled 'Taxation'" to add subsection 440-67.1 entitled "Residential Reassessment Exemption."

§ 2. Legislative Findings. The Town Board of the Town of Greenburgh finds it necessary to add a new subsection 440-67.1 entitled "Residential Reassessment Exemption" to Chapter 440 of the Code of the Town of Greenburgh to allow the Town Assessor to phase in assessments over a three year period, instead of immediately, pursuant to Section 485-s of the New York State Real Property Tax Law.

§ 3. Addition of Subsection 440-67.1. A Subsection 440-67.1 is hereby added to Chapter 440 of the Code of the Town of Greenburgh by adding the following underlined text:

§ 440-67.1. Residential Reassessment Exemption.

A. Applicability. The Town Assessor shall, in the first year in which revaluation assessments are to be entered on the assessment roll at full value, and for the next succeeding year, apply to each eligible residential property a residential reassessment exemption. 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 the town's latest final assessment roll is permitted to adopt the provisions of this subsection within two years of its implementation.

B. Eligibility.

(1) The Town 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 § 440-67.1C. For the purpose of this subsection, to be an eligible residential property, a property must meet the following criteria:

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(a) Be the subject of a residential reassessment exemption application filed along with all supporting documentation with the Office of the Town Assessor on or before the appropriate May 1 taxable status

date for the assessment roll upon which the revaluation is implemented; however, for the year 2016 only, the completed forms must be filed with the Office of the Town Assessor no later than September 15, 2016. For any village which adopts the town's assessment roll subsequent to September 15, 2016, the application must be filed on or before the May 1 taxable status date following the adoption of the roll.

(b) Be a one, two or three family residential property; however, dwelling units in condominium form of ownership are not eligible unless they are classified in the homestead class.

(c) Be the primary residence of the owner(s) of record.

(d) Be eligible to receive a Basic STAR or Enhanced STAR exemption, or be eligible to receive the personal income tax school tax relief credit.

(e) Be current on all property taxes payments, which, for the purposes of this subsection, means no property taxes are owed on the property as of the May 1 taxable status date for the assessment roll on which the exemption is applied.

(f) Be owned by the same owners of record that appeared on the assessment roll upon which the revaluation was implemented and remain in same ownership throughout the term of the exemption; if ownership is changed, the exemption will be discontinued.

(g) Have a valid Certificate of Occupancy or Temporary Certificate of Occupancy for the eligible residence.

(h) Have a full value increase in assessment due to the reassessment, not related to increases due to a physical improvement or a removal or reduction of a property tax exemption, exceeding 25.00%.

(i) Be free of building code violations, with permission and access granted for an interior inspection of the property by a government official if deemed necessary by the Town for verification.

(j) Be in compliance with any other condition required by Section 485-s of the New York State Real Property Tax Law.

C. Exemption calculation.

(a)(1) 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

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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.

(2) 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.

(3) 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 Town Assessor shall reduce the exemption for any remaining portion in the same proportion assessment is reduced for such fire, demolition, destruction or new exemption.

(4) If a property's revaluation assessment is reduced pursuant to Article Five (Administrative Review of Assessments), Title 1-A, or Article Seven (Judicial Review), Title 1 or Title 1-A, of the NYS Real Property Tax Law, the exemption shall be recomputed accordingly.

(b) 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, as illustrated in the following table:

Year of exemption Percentage of Exemption 1 66% of exemption base 2 33% of exemption base 3 0% of exemption base

D. Granting of exemption.

(a) Such exemption shall be granted only upon application by the owner or owners of such real property on a form issued by the Town Assessor. Such application shall be filed with the Town Assessor on or before the appropriate May 1 taxable status date for the assessment roll upon which the revaluation is implemented; however, for the year 2016 only, the completed forms must be filed with the Office of the Town Assessor no later than September 15, 2016.

(b) If the Town Assessor is satisfied that the applicant is entitled to an exemption pursuant to this subsection, the Town Assessor shall approve the application and the taxable assessed value shall be reduced by the exemption, as this subsection provides, commencing with the assessment roll prepared after the taxable status date. The assessed value of any exemption granted pursuant to this subsection shall be entered by the Town Assessor on the assessment roll with the amount of the exemption shown in a separate column.

(c) The Town Assessor shall give written notice of the such exemption to the property owner.

(d) Where the Town Assessor denies an exemption pursuant to Section 485-s of the Real Property Tax Law for the 2016 assessment roll, the property owner may file a

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complaint with the Town's Board of Assessment Review (BAR). The BAR shall reconvene on a date or dates established by the Town, provided at least ten days' notice is given in writing, by certified mail, returned receipt requested, to the property owner, to hear the appeal and determine the matter, and shall mail written notice of its determination to the Town Assessor and property owner.

(e) In the event that the residential property granted an exemption pursuant to this subsection has a transfer of ownership or otherwise ceases to meet the eligibility requirements of the exemption in § 440-67.1B, the exemption granted pursuant to this subsection shall be discontinued. Upon determining that an exemption granted pursuant to this subsection should be discontinued, the Town Assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by Section 510 of the New York State Real Property Tax Law.

(f) Notwithstanding Sections 283.161 and 283.171 of the Westchester County Administrative Code, for the purpose of implementing the residential reassessment exemption, the assessor shall file the 2016 assessment roll on or before the first day of December.

(g) The rights contained in this act 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 act.

§ 4. Severability: If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 5. Effective Date: This Local Law shall take effect immediately upon filing with the Secretary of State.