

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village

(Select one:)

of Greenburgh

Local Law No. 4 of the year 2023

A local law creating a New Article XVII to Chapter 440 "Taxation" in the Code of the Town of
(Insert Title)
Greenburgh entitled "Tax Assessment Condominiums and Cooperatives."

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village

(Select one:)

of Greenburgh as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2023 of the (County)(City)(Town)(Village) of Town of Greenburgh was duly passed by the Town Board on April 18 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

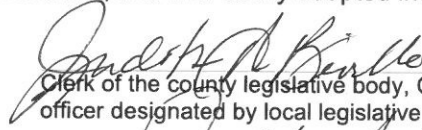
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date:


April 20, 2023

(Seal)

TOWN of GREENBURGH

Local Law No. 4 /2023

A local law to amend Chapter 440 of the Town Code of the Town of Greenburgh entitled "Taxation" pursuant to the New York State Constitution Article IX and New York Municipal Home Rule Law §10, New York Real Property Tax Law §581(d) and New York Real Property Law §339-y(g) by creating a new Article XVII, entitled "Tax Assessment of Condominiums and Cooperatives."

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

§ 1. Enactment of Article XVII entitled, "Tax Assessment of Condominiums and Cooperatives."

§440-91. Title.

§440-92. Legislative Findings.

§440-93. Authority.

§440-94. Provisions of New York Real Property Tax Law § 581(a).

§440-95. Provisions of New York Real Property Law § 339-y(b).

§440-96. Exempted properties.

§ 2. Severability.

§ 3. Effective Date.

§ 1. Enactment of Article XVII entitled, "Tax Assessment of Condominiums and Cooperatives."

§440-91. Title.

This law shall be known as "A Local Law adding a new Article XVII to Chapter 440 of the Town Code of the Town of Greenburgh entitled "Tax Assessment of Condominiums and Cooperatives."

§440-92. Legislative Findings.

The Real Property Tax Law and the Real Property Law does not currently allow the Town of Greenburgh to consider the sum of the assessments of individual cooperative or condominium units to exceed the value of the entire complex if it was valued as a single entity. The restriction reduces condominium and cooperative assessments by preventing the use of sales of units in the assessment process. The Office of Real Property Services, assessors and other local Town officials generally consider the restrictions an unreasonable state

mandate that unfairly limits the revenue-raising abilities of the Town of Greenburgh. Assessors and appraisers also cite the difficulties they encounter when they are forced to ignore market information - usually the best indicator of value in developing estimates of taxable value. This bill would allow the Town of Greenburgh to value newly constructed and converted cooperative and condominium units as they would other real property to alleviate any negative impacts placed on the Town by the current statute. The State Senate and Assembly recently adopted a bill which allows the Town to adopt this local law, allowing the Town to consider the sum of the assessments of individual cooperative or condominium units to exceed the value of the entire cooperative or condominium complex if valued as a single entity.

§ 440-93. Authority.

This Local Law is adopted under the authority granted by:

1. Article IX of the New York State Constitution, § 2(c)(8),
2. New York Municipal Home Rule Law, § 10,
3. New York Real Property Tax Law § 581(d), and
4. New York Real Property Law § 339-y(g).

§440-94. Provisions of New York Real Property Tax Law §581(a).

The provisions of New York Real Property Tax Law § 581(a) shall not apply to real property owned or leased by a cooperative corporation or on a condominium basis in the Town of Greenburgh.

§440-95. Provisions of New York Real Property Law § 339-y(b).

The provisions New York Real Property Law § 339-y(b) shall not apply to real property owned or leased by a cooperative corporation or on a condominium basis in the Town of Greenburgh.

§440-96. Exempted properties.

This Article shall not apply to real property owned or leased by a cooperative corporation or on a condominium basis in the Town of Greenburgh that had been previously subject to the provisions of New York Real Property Tax Law § 581(a) or New York Real Property Law § 339-y(b) prior to January 1, 2023.

This Article 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. Severability.

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§ 3. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State and shall apply to assessment rolls prepared on the basis of taxable status dates occurring after January 1, 2023.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH AMENDING CHAPTER 440 OF THE CODE OF THE TOWN OF GREENBURGH BY CREATING A NEW ARTICLE XVII ENTITLED, “TAX ASSESSMENT OF CONDOMINIUMS AND COOPERATIVES.”

WHEREAS, on Wednesday, April 12, 2023, the Town Board conducted a Public Hearing to consider a Local Law amending Chapter 440 of the Code of the Town of Greenburgh by creating a new Article XVII entitled, “Tax Assessment of Condominiums and Cooperatives;” and

WHEREAS, after considering comments at the public hearing, and subsequent written comments during the written comment period, the Town Board concludes and finds that the recently adopted State Senate and Assembly bill, which allows the Town to adopt this local law, permitting the Town to consider the sum of the assessments of individual cooperative or condominium units to exceed the value of the entire cooperative or condominium complex if valued as a single entity is necessary and desirable;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Greenburgh hereby adopts the attached local law amending Chapter 440 of the Code of the Town of Greenburgh by creating a new Article XVII entitled, “Tax Assessment of Condominiums and Cooperatives.”

