

Summary of Legislation

Hurricane Irene and Tropical Storm Lee Assessment Relief Act

December 20, 2011

Overview

- Allows taxing jurisdictions to provide relief to owners of properties that were “catastrophically impacted” by the storms.
- Property that lost 50% or more of its value as a result of flooding is considered catastrophically impacted.
- Effectively allows heavily damaged property to be reassessed on the 2011 assessment roll based upon its post-storm condition, even though the damage occurred after the 2011 taxable status date.

Local Option

- The provisions of the legislation are available to taxpayers by local option only.
- The program can be adopted by local resolution in the eligible counties (see below) and any city, town, village or school district that is wholly or partly contained within the eligible counties.
- Adoption of the provision by a county does not result in the provision applying to other local governments within the county; each municipality or school district that wishes to offer the option to their property owners must separately adopt a resolution.

List of Eligible Counties

New York City and the following counties are eligible to participate in the program: Albany, Broome, Chemung, Chenango, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Montgomery, Nassau, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington and Westchester.

Procedure

- To receive relief, the property owner in a taxing jurisdiction that has adopted the provisions must submit a written request to the assessor along with supporting documentation.
- No specific form is required but documentation should be included with the request if it is available.
- The assessor determines the percentage reduction in value.
- If warranted, the assessor reduces the taxable assessed value.
- Upon making a determination, the assessor mails written notice to the property owner and the participating municipality.
- If a reduction is granted and taxes have not yet been paid, then the tax liability will be reduced; if taxes have already been paid then the taxing jurisdiction will refund the appropriate amount.

- A property owner who is dissatisfied with the assessor's determination may file a complaint with the Board of Assessment Review, which shall reconvene upon 10 calendar days written notice to the property owner and assessor to consider the matter.

Deadlines

- The deadline for taxing jurisdictions to opt into the program is January 23, 2012 (45 calendar days after the act was signed by the Governor).
- The deadline for a property owner to apply for assessment relief is March 8, 2012 (90 calendar days after the act was signed by the Governor).

Assessment Reductions

Upon reviewing the property's documentation, the assessor does not have to determine exactly how much value the property lost, but merely classifies the loss into one of the ranges in the table below:

Property Loss	Reduction in Taxable AV
Less than 50%	None
At least 50% but less than 60%	55%
At least 60% but less than 70%	65%
At least 70% but less than 80%	75%
At least 80% but less than 90%	85%
At least 90% but less than 100%	95%
100%	Reduced to 0

Please note, this is not a legal document and should not be relied on as such. For the law governing this program, see Part G of Chapter 56 of the Laws of 2011.