LOCAL LAW NO. 3 OF 2016
COUNTY OF OTSEGO, NEW YORK

A LOCAL LAW ADOPTING EXEMPTION FOR
MULTIPLE DWELLINGS SUBSTANTIALLY
REHABILITATED PURSUANT TO REAL PROPERTY
TAX LAW § 421-M FOR PORTIONS OF THE CITY OF
ONEONTA

BE IT ENACTED by the Board of Representatives of the County of Otsego
as follows:

Section 1.
The County of Otsego herein adopts this Local Law to provide for the
exemption of multiple dwellings constructed or substantially rehabilitated in a
benefit area set forth herein from taxation and special ad valorem levies, but not
special assessments, as authorized in § 421-m of the New York State Real
Property Tax Law.

Section 2. Definitions
As used in this article, the following terms shall have the meanings
indicated:
A. Benefit Area – The area within the City of Oneonta, including all
parcels located in the following zoning districts as shown on the official
City of Oneonta Zoning Map: R3, R4, MU1, MU2, and C/I. In addition,
such exemption may apply to projects with PUD Districts subject to the
determination of the City of Oneonta Planning Commission at the time
of the application.
B. Multiple Dwelling – 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.
C. Substantial Rehabilitation – 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.

Section 3. Exemption eligibility
A. Eligible new or substantially rehabilitated multiple dwellings in a
designated benefit area shall be exempt according to the following schedule:
1) Construction or substantial rehabilitation of certain multiple dwellings.
   (a) During construction or substantial rehabilitation
   (maximum three years): exemption of 100%
   (b) Following completion of work year:
       [1] One through 12: exemption of 100%
       [2] Thirteen through 14: exemption of 80%
[3] Fifteen through 16: exemption of 60%
[4] Seventeen through 18: exemption of 40%
[5] Nineteen through 20: exemption of 20%

2) 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.

B. To be eligible for exemption under this section:
(1) Such construction or substantial rehabilitation shall take place on vacant, predominantly vacant or underutilized land, or on land improved with a nonconforming 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.
(2) Such construction or substantial rehabilitation was commenced on or after the effective date of this article, but no later than June 15, 2019.
(3) At least 20% 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 90% 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 30% 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.
(4) 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.

C. Application for exemption under this article shall be made on a form prescribed by the Commissioner and filed with the Assessor on or before the applicable taxable status date.

D. 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 article if:
(1) The square footage of the portion used as a multiple dwelling represents at least 50% of the square footage of the entire property;
(2) At least 20% of the units are affordable to individuals or families of low and moderate income, as determined according to the criteria set forth in Subsection B(3) of this section; and
(3) The requirements of this section are otherwise satisfied with respect to the portion of the property used as a multiple dwelling.

E. The exemption authorized by this article shall not be available in a jurisdiction to which the provisions of § 421-a or § 421-c of the Real Property Tax Law are applicable.

F. The City of Oneonta shall develop an income-monitoring and compliance plan to meet the criteria of Subsection B(3) 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 article. 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.

**Section 4.** This Local Law shall take effect immediately.
RESOLUTION NO. 271-20160907

RESOLUTION - ADOPTING A LOCAL LAW FOR THE YEAR 2016 (A LOCAL LAW ADOPTING EXEMPTION FOR MULTIPLE DWELLINGS SUBSTANTIALLY REHABILITATED PURSUANT TO REAL PROPERTY TAX LAW §421-M FOR PORTIONS OF THE CITY OF ONEONTA)

FRAZIER, GELBSMAN, OBERAKER, CARSON, STULIGROSS

WHEREAS, there was duly presented to the Board of Representatives of the County of Otsego at a regular meeting duly held in the Meeting Room of the Board of Representatives in the Otsego County Office Building, Cooperstown, New York on August 3, 2016, a local law for the year 2016 entitled "A Local Law Adopting exemption for multiple dwellings substantially rehabilitated pursuant to Real Property Tax Law §421-m for portions of the City of Oneonta"; and

WHEREAS, a public hearing was duly held on the proposed Local Law in the Meeting Room of the Board of Representatives in the Otsego County Office Building, 197 Main Street, Cooperstown, New York on the 7th day of September, 2016 at 9:30 a.m., at which time all interested persons were heard; now, therefore, be it

RESOLVED, that a local law of the County of Otsego for the year 2016, as above set forth, be and the same is hereby adopted.
STATE OF NEW YORK : SS
COUNTY OF OTSEGO :

I, Carol D. McGovern, Clerk of the Board of Representatives of Otsego County, New York, DO HEREBY CERTIFY that I have compared the foregoing copy of resolution with the original resolution on file in my office and that the same is a true and complete copy thereof as duly adopted by said Board of Representatives while in session on the 7th day of September, 2016.

WITNESS my hand and the official seal of the Board of Representatives of Otsego County, New York, this 8th day of September, 2016.

(SEAL)

Clerk, Board of Representatives
Otsego County, New York