

**LOCAL LAW NO. \_\_\_\_ OF 2018**

**TOWN BOARD  
TOWN OF NEW CASTLE  
PROPOSED LOCAL LAW TO CREATE  
CHAPTER 95, ARTICLE II OF THE  
CODE OF THE TOWN OF NEW CASTLE**

A LOCAL LAW to create Chapter 95, Article II of the Town Code of the Town of New Castle concerning Real Property Assessment of Converted Condominium Units.

BE IT ENACTED by the Town Board of the Town of New Castle as follows:

**Section 1.** Legislative Findings

The Town Board hereby finds that residential condominium units obtain a favorable advantage, from a real property tax assessment perspective, as compared to residential tax parcels (including those improved with single family homes) that are held in conventional forms of property ownership. This advantage stems from statutorily prescribed methods of assessment dictated under of § 581, Subdivision 1(a) of the New York Real Property Tax Law and § 339-y, Subdivision 1(b) of the New York Real Property Law.

The Town Board also recognizes that § 581, Subdivision 1(c) of the New York Real Property Tax Law and § 339-y, Subdivision 1(f) of the New York Real Property Law allow a taxing jurisdiction to “opt out” of these statutory valuation requirements with regard to properties that convert from conventional form of ownership to condominium ownership, and that such an “opt out” may be affected through the enactment of a local law.

The Town Board finds it is necessary to implement such an “opt out” under the authority granted in § 581, Subdivision 1(c) of the New York Real Property Tax Law and § 339-y, Subdivision 1(f) of the New York Real Property Law. It therefore enacts this Local Law to prevent residential property owners from converting to a condominium form of ownership that would result in a lower assessment, which, if permitted, would unfairly lower the property tax burden for the converted property, while increasing the property tax burden to owners of property in conventional form of ownership.

The Town Board does hereby amend Chapter 95 of the Code of the Town of New Castle, as provided herein, for this permitted purpose.

**Section 2.** Amendment of Chapter 95 of the Code of the Town of New Castle

Chapter 95, Article II of the Code of the Town of New Castle entitled “Real Property Assessment of Converted Condominiums” is hereby adopted as follows:

**Chapter 95: Taxation : Property Assessments**

**Article II Real Property Assessment of Converted Condominiums**

§ 95-8 Definitions.

As used in this article, the following term(s) shall have the meanings indicated:

**CONVERTED CONDOMINIUM UNIT**

A dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership and has not been previously subject to the provisions of § 581, Subdivision 1(a) of the New York Real Property Tax Law or § 339-y, Subdivision 1(b) of the New York Real Property Law.

§95-9 Real Property Assessment of Converted Condominiums

The provisions of § 581, Subdivision 1(a) of the New York Real Property Tax Law and § 339-y, Subdivision 1(b) of the New York Real Property Law shall not apply to converted condominium unit(s) situated in the Town of New Castle.

**Section 3.** Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 95 of the Town Code of the Town of New Castle is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 4.** Numbering for Codification.

It is the intention of the Town of New Castle and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of New Castle; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

**Section 5.** Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

**Section 6.** This Local Law shall be effective upon its filing with the New York Secretary of State and shall apply to assessment rolls based on the taxable status date occurring on or after such date.