

**Requesting New York State Legislature And The Governor To Repeal Real Property Law Section 339-y And Vote Yes On New York State Assembly Bill No. A1574 And New York State Senate Bill No. S1058**

Legislators Aiello, Alfonso, Busick, Cummings, Every, Fabiano, Felicello, Gerentine, Harris, McAfee, Noonan and Roberti offer the following:

WHEREAS, Real Property Law Section 339-y has been interpreted by courts to limit an assessor's method of establishing a condominium assessment to the income approach, resulting in the assessment for each unit significantly under market value, sometimes as much as 50% or more, and

WHEREAS, further abuse of Section 339-y now includes attempts by developers to take large tracts of land, construct large single-family houses on one or two acres and instead of simply subdividing the property, establish a condominium with two classes of common areas, a limited common area (consisting of all the parcels surrounding each residence), which is for the exclusive use of the owner and occupant of the "condominium unit", and one general common area consisting only of the roadways within the development, and

WHEREAS, by structuring ownership of the property in the manner just described, Section 339-y limits the assessing unit to setting assessments on all the units as if the property were a single parcel, resulting in a steep reduction in what the assessment would otherwise be.

RESOLVED, that the Ulster County Legislature calls upon the New York State Legislature and the Governor to repeal Real Property Law Section 339-y and vote yes on Bills A1574 and S1058 so as to provide equal treatment for all types of residential housing and to prevent the continuing abuses of Section 339-y as described above, and

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor Eliot Spitzer, New York State Comptroller's Office, Senate Majority Leader Joseph Bruno, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader James N. Tedisco, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Daniel L. Hooker and Thomas Kirwan, and the New York State Association of Counties,

**Resolution No. 103 March 14, 2007**

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and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

FINANCIAL IMPACT:  
NONE

0308

**REFERRED BACK TO COMMITTEE**