

HARBORFIELDS CENTRAL SCHOOL DISTRICT
Greenlawn, New York

BOARD OF EDUCATION
SPECIAL MEETING AGENDA
NOVEMBER 19, 2013

1. MEETING CALLED TO ORDER/PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION: 7:45 A.M. (IF NEEDED)

PUBLIC PARTICIPATION

4. FINANCE

4.1 Superstorm Sandy Assessment Relief Act

Whereas, Chapter 424 of the Laws of New York, 2013, ("the Superstorm Sandy Assessment Relief Act"), allows the District to provide tax assessment relief to certain of its property owners affected by Superstorm Sandy, and

Whereas, it is in the best interest of the community to provide such relief to the victims of Superstorm Sandy, it is hereby

Resolved, that the Board of Education elects to participate in the Superstorm Sandy Assessment Relief Act, and


Be it Further Resolved, that the District adopts the thresholds for loss in improved value which have been established by the Town of Huntington.

Motion: _____ Second: _____ Action: _____

ADJOURNMENT

HARBORFIELDS CENTRAL SCHOOL DISTRICT
GREENLAWN, NEW YORK 11740

MEMORANDUM

To: Diana Todaro
From: William H. Nimmo 
Date: November 18, 2013
Subject: *Superstorm Sandy Assessment Relief Act*

As you know, on October 22, 2013, Governor Cuomo signed into law the Superstorm Sandy Assessment Relief Act ("Assessment Relief Act"), which provides local property owners whose property was damaged by Superstorm Sandy with a mechanism by which to apply for a retroactive reduction in the assessed value of their damaged property for losses in property value due to the storm.

Each eligible county, municipality and school district must pass a resolution electing to opt in to the relief provided under the law. School districts must pass this resolution within 45 days of the signing of the law by the Governor, which is December 6, 2013.

If a district elects to participate in the legislation, they may also determine the extent of damage a property must have suffered in order to be eligible for a reduction in assessed value. The default participation provides for assessment relief to be granted only to those property owners whose property lost at least 50% of its improved value. However, the district may elect to extend relief to those properties which lost 10%, 20%, 30% or 40% of its improved value.

We have discussed this measure in great detail with our attorney, both before and after the issuance of their Chief School Memorandum of November 11, 2013. In addition to our conversations with the town assessor, John Sheahan has had discussions with the assessor regarding the issue. John also indicated that as part of the firm's research, he or others in the firm have had discussions with the assessors of other towns. Today, John advised that although a technical loophole in the law exists, as outlined in the November 11th memorandum, it appears to him that the town and county will assume payments for the retroactive assessment reductions provided by the state legislation.

To: Diana Todaro
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November 18, 2013

Based upon our attorney's advice, I would recommend that the Board adopt a resolution that permits us to subscribe to the threshold the Town of Huntington will be establishing at their meeting on December 6, 2013. Please ask the Board to adopt the following resolution at their Special Meeting on November 19, 2013:

Whereas, Chapter 424 of the Laws of New York, 2013, ("the Superstorm Sandy Assessment Relief Act"), allows the District to provide tax assessment relief to certain of its property owners affected by Superstorm Sandy, and

Whereas, it is in the best interest of the community to provide such relief to the victims of Superstorm Sandy, it is hereby

Resolved, that the Board of Education elects to participate in the Superstorm Sandy Assessment Relief Act, and

It is further resolved, that the District adopts the thresholds for loss in improved value which have been established by the Town of Huntington, New York.

WHN:sw

LAW OFFICES
OF
GUERCIO & GUERCIO, LLP

77 Conklin Street
Farmingdale, New York 11735
(516) 694-3000
FAX: (516) 694-4738
www.guerciolaw.com

24 Century Hill Drive, Suite 101
Latham, New York 12110
(518) 690-7000
Fax: (518) 690-0783

GREGORY J. GUERCIO
RICHARD J. GUERCIO
GARY L. STEFFANETTA
KATHY A. AHEARN
JOHN P. SHEAHAN
RANDY GLASSER
BARBARA P. ALOE
CHRISTOPHER J. GUERCIO
ERIN M. O'GRADY-PARENT
LISA L. HUTCHINSON
CHRISTINE M. LA PLACE
BONNIE L. GORHAM
DOUGLAS A. SPENCER
CHRISTOPHER F. MESTECKY

KELLY A. REAPE
TARA E. KAHN
KATHRYN J. MAIER
PATRICIA A. UNZ
CHRISTOPHER SHISHKO
BARBARA J. EMIGHOLZ
ASHLEY C. POPE
HAL L. BUDNICK
VICTORIA M. CANTRELLA
ANTHONY J. FASANO**
REESA F. MILES**

** ADMISSION PENDING

OFFICE ADMINISTRATOR
LEONARD RICHMAN

Reply to: Farmingdale X
Latham

November 11, 2013

PRIVILEGED AND CONFIDENTIAL

MEMORANDUM

TO: Suffolk County Chief School Administrators and
Boards of Education

RE: Superstorm Sandy Assessment Relief Act (Ch. 424, Laws of 2013)

As you may be aware, on October 22, 2013, Governor Cuomo signed the Superstorm Sandy Assessment Relief Act ("Assessment Relief Act"), which provides property owners whose property was damaged by Superstorm Sandy with a mechanism by which to retroactively reduce the assessed value of their damaged property to account for losses in property value due to the storm.

The Assessment Relief Act applies to counties covered by President Obama's declaration of a major disaster for the State of New York, including Greene County, Nassau County, Orange County, Putnam County, Rockland County, Suffolk County, Sullivan County, Ulster County, and Westchester County,¹ as well as municipalities and school districts located in the covered counties.

In order for local property owners to take advantage of this legislation and receive a retroactive reduction in the assessed values of their property, eligible counties, municipalities, and school districts must pass a local law, ordinance, or—for a school district—a resolution electing to provide such assessment relief. Districts have until December 6, 2013² to do so, if they choose to provide property owners in their jurisdiction with this retroactive assessment

¹ See FEMA, DR-4085, available at <http://www.fema.gov/disaster/4085/designated-areas>.

² Forty-five (45) days from October 22, 2013.

relief. The Act will only affect eligible counties, municipalities, and school districts that elect to participate by December 6, 2013. We have enclosed a template resolution for this purpose.

If a school district participates, properties which sustained specific losses in value would, upon a timely application,³ receive a retroactive reduction in the assessed value of the property for the 2012-2013 school year and a corresponding tax refund or credit owed as a result of such reduction. It is our understanding that many affected properties have already prospectively received reductions in assessed value as the result of the damage for the 2013-2014 school year, for reasons unrelated to this legislation.

The legislation provides that where a reduction in assessed value of an eligible property results in a property being overvalued on the assessment roll, the excess value will be considered an "error" within the meaning of Article 5 of the Real Property Tax Law ("RPTL") §550(3), and that the assessment roll will be corrected in the manner provided by RPTL §554 or a refund or credit granted pursuant to RPTL §§556 or 556-b, as applicable. Sections 556 and 556-b of the RPTL allow for refunds and credits to be charged back to affected municipalities and school districts. However, we note that Suffolk County Tax Act § 3 provides that refunds resulting from judicial review of assessments under Article 7 of the RPTL (tax certiorari proceedings) will be paid by Suffolk County and then charged back to towns or special districts. Suffolk County Tax Act §3 also provides that refunds resulting from such Article 7 proceedings will not be charged back to school districts unless the property in question is improved by a nuclear-powered electrical generating facility. Suffolk County Tax Act §3 does not specifically refer to whether refunds resulting from Article 5 proceedings can be charged back to school districts.

It is our understanding that, historically, Suffolk County and its Towns have interpreted the Suffolk County Tax Act as protecting school districts from refunds resulting from both administrative review of assessments (Article 5) and judicial review of assessments (Article 7). In addition, we have contacted many of the Town Assessors in Suffolk County who have confirmed that they do not intend to charge back to school districts any of the refunds resulting from reductions authorized by the Assessment Relief Act. Accordingly, it is our understanding that Towns will not be charging back refunds resulting from the implementation of the Assessment Relief Act. However, as noted above, the applicable statute is silent with respect to their legal right to seek refunds, should they choose to do so.

The legislation further provides that school districts will be held harmless by the state for any reduction in State Aid that would have been paid as tax savings pursuant to RPTL § 1306-a incurred due to the provisions of the Assessment Relief Act. RPTL §1306-a governs the STAR exemption. Under RPTL §1306-a, the State gives property owners a discount on school taxes based on a percentage of the assessed value. The State then pays that discount amount to the school district. Accordingly, if a property's assessed value is reduced, the amount of the STAR exemption would be reduced correspondingly. The save harmless provision of the Assessment Relief Act makes clear that the State will not reduce the amount due to the districts.

³ Property owners must apply for this retroactive assessment relief by January 21, 2014 (ninety days from October 22, 2013). They would do so by submitting a written request to the local assessor on an approved form (RFP-5849-APP) within the ninety-day timeframe.

If your district elects to participate, you may also determine the extent of damage a property must have suffered in order to be eligible. The default participation arrangement provides for assessment relief to be granted only to those property owners whose property lost at least 50% of its improved value. However you may elect to extend eligibility to those properties which lost 10%, 20%, 30% or 40% of its improved value. Specifically, properties suffering a loss in improved value would be eligible for reductions in assessed valuation as follows, depending on the specifications of your district's resolution authorizing relief:

Loss of Improved Value	Reduction of Taxable Assessed Value of Buildings, etc.
At least 10% but less than 20%	15% only if electing municipality specifically authorizes
At least 20% but less than 30%	25% only if electing municipality specifically authorizes
At least 30% but less than 40%	35% only if electing municipality specifically authorizes
At least 40% but less than 50%	45% only if electing municipality specifically authorizes
At least 50% but less than 60%	55% if municipality elects to participate in the Act
At least 60% but less than 70%	65% if municipality elects to participate in the Act
At least 70% but less than 80%	75% if municipality elects to participate in the Act
At least 80% but less than 90%	85% if municipality elects to participate in the Act
At least 90% but less than 100%	95% if municipality elects to participate in the Act
100%	100% if municipality elects to participate in the Act

Some assessors have indicated that they will be encouraging municipalities and school districts to both participate in the legislation and authorize relief below the default 50% threshold to include properties which suffered a loss of 10% or more of their improved value.

Should your district choose to participate in the legislation, we have enclosed a sample resolution for the Board of Education to adopt both to participate and to set the threshold loss percentage to a percentage less than 50% (40%, 30%, 20%, or 10%), if the Board wishes to do so.

As always, please do not hesitate to contact us if you have any questions or require additional assistance.

VIA E-MAIL

Enclosure (sample resolution)

179219

AMENDED COPY AS OF 10/28/2013

Intro. Res. No. 1678-2013
Introduced by Legislator Browning

Laid on Table 7/30/2013

**RESOLUTION NO. -2013, ADOPTING LOCAL LAW
NO. -2013, A LOCAL LAW TO PROVIDE ASSESSMENT
AND TAX RELIEF TO PROPERTY OWNERS IMPACTED BY
SUPERSTORM SANDY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 30, 2013, a proposed local law entitled, "**A LOCAL LAW TO PROVIDE ASSESSMENT AND TAX RELIEF TO PROPERTY OWNERS IMPACTED BY SUPERSTORM SANDY;**" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROVIDE ASSESSMENT AND TAX RELIEF TO
PROPERTY OWNERS IMPACTED BY SUPERSTORM SANDY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Superstorm Sandy caused catastrophic property damage in Suffolk County in the Fall of 2012.

This Legislature also finds that thousands of homes were either destroyed or severely damaged by the high winds, rains and flooding associated with Superstorm Sandy.

This Legislature further determines that thousands of Suffolk County residents experienced terrible hardship when their homes were damaged or destroyed. Many residents were forced to relocate or, in the alternative, live in their damaged homes under difficult conditions. Many residents face a long, difficult and expensive road as they rebuild their homes and lives.

This Legislature further finds that Superstorm Sandy struck Suffolk County after assessment rolls were prepared by the towns; as a result, property owners who experienced substantial damage to their homes and businesses were required to pay their normal property tax bill in 2013.

This Legislature determines that the State of New York has enacted legislation which addresses this inequity by authorizing local governments to grant assessment relief to Superstorm Sandy victims whose properties were substantially damaged or destroyed.

This Legislature finds that Suffolk County was included in the Federal disaster declaration of Superstorm Sandy and, therefore, is eligible to extend assessment relief to its residents.

This Legislature concludes it is fair and equitable to provide relief to residents who saw their properties damaged or destroyed and their lives upended by Superstorm Sandy.

Therefore, the purpose of this law is to elect to provide assessment relief to persons substantially impacted by Superstorm Sandy as authorized by the "Superstorm Sandy Assessment Relief Act", enacted by the New York State Legislature as Chapter 424 of the 2013 Laws of the State of New York.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

"Impacted Tax Roll" shall mean the final assessment roll which satisfies both of the following conditions: the roll is based upon a) a taxable status date occurring prior to October 28, 2012; and b) taxes levied upon that roll were payable without interest on or after October 28, 2012.

"Improved Value" shall mean the market value of real property improvements excluding the land.

"Property" shall mean "real property", "property" or "land" as defined under paragraphs (a) through (g) of subdivision 12 of New York Real Property Law.

"Relief Act" shall mean the Superstorm Sandy Assessment Relief Act as enacted by New York State Legislature, Chapter 424 of the 2013 Laws of the State of New York.

"Superstorm Sandy" shall mean the storms, rains, winds or floods which occurred within the State of New York and the County of Suffolk during the period October 29, 2012 and ending November 3, 2012.

"Total Assessed Value" shall mean the total assessed value property prior to any and all exemption adjustments.

Section 3. Implementation and Adoption of Hurricane Sandy Assessment Relief Act.

This law adopts and implements the provisions of the Hurricane Sandy Assessment Relief Act, as enacted by the New York State Legislature, Chapter 424 of the 2013 Laws of the State of New York, granting assessment relief to the victims of Hurricane Sandy.

Section 4. Eligibility criteria and relief granted.

Notwithstanding any provision of law to the contrary, the County of Suffolk elects to provide assessment relief for properties damaged by Superstorm Sandy, as authorized by the Relief Act, as follows:

<u>Lost Improved Value of Property as a result of Superstorm Sandy</u>	<u>Reduction of Assessed Value Attributable to Improvements on the Impacted Assessment Roll</u>
At least 10% but less than 20%	15%
At least 20% but less than 30%	25%
At least 30% but less than 40%	35%
At least 40% but less than 50%	45%
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%	100%

Section 5. Other provisions.

- A. To receive relief under this law, a property owner must submit a written request to his or her assessor on a form approved by the Director of the New York State Office of Real Property Tax Services and in accordance with the specific requirements of the Relief Act. Such request shall attach any and all determinations made by the Federal Emergency Management Agency, any and all reports made by insurance adjusters, and describe in reasonable detail the damage caused to the property by Superstorm Sandy and the condition of the property and shall be accompanied by supporting documentation, if available.
- B. The percentage of loss in improved value shall be adopted by the assessor from a written finding of the Federal Emergency Management Agency, or where no such finding exists, shall be determined by the assessor in a manner provided by the Relief Act, subject to review by the board of assessment review.
- C. Where an assessor determines a property has lost at least 10% of its improved value due to Superstorm Sandy, the assessed value attributable to the improvements on the property on the impacted assessment roll shall be reduced by the appropriate percentage specified in section 4 of this law, provided that any exemptions which the property may be receiving shall be adjusted as necessary to account for such reduction in the total assessed value. To the extent the total assessed value of the property originally appearing on such roll exceeds the amount to which it should be reduced pursuant to the Relief Act and this local law, the excess shall be considered an error in essential fact as defined by subdivision 3 of Section 550 of the Real Property Tax Law. If the error appears on a tax roll, the tax roll shall be corrected in the manner provided by Section 554 of the Real Property Tax Law or a refund or credit of taxes shall be granted in the manner provided by Sections 556 or 556-b of the Real Property Tax Law. If the error appears on a final assessment roll but not on a tax roll, such final assessment roll shall be corrected in the manner prescribed by Section 553 of the Real Property Tax Law.

Section 6. Applicability.

This law shall apply to the impacted assessment roll, as that term is defined in the Relief Act and this local law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: