

NEW YORK STATE DEPARTMENT OF STATE

99 WASHINGTON AVENUE, ALBANY, NY 12231

**Local Law Filing**

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**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**Town of Colonie**

**Local Law No. 24 of the year 2011**

**A local law** amending Chapter 171 of the Code of the Town of Colonie, entitled "Taxation," by adding Article XI (Sections 171-10.5 through § 171-10.7), to be entitled, "Assessment of Converted Condominiums," pursuant to Subdivision (1) of Section 581 of the Real Property Tax Law and Subdivision (1) of Section 339-y of the Real Property Law.

**Be it enacted by the Town Board of the Town of Colonie of as follows:**

SECTION 1.

ARTICLE XI. Assessment of Converted Condominiums

§ 171-10.5 Purpose; legislative authority.

This article is adopted pursuant to Subdivision (1) of Section 581 of the Real Property Tax Law and Subdivision (1) of Section 339-y of the Real Property Law, for the purpose of preventing lower assessments of converted condominiums.

§ 171-10.6 Definitions.

**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 Subdivision (1) of Section 581 of the Real Property Tax Law or Subdivision (1) of Section 339-y of the Real Property Law.

§ 171-10.7 Application of state statutes.

Neither Paragraph (a) of Subdivision (1) of § 581 of the Real Property Tax Law nor Paragraph (b) of Subdivision (1) of § 339-y of the Real Property Law shall apply to any converted condominium unit in the Town of Colonie.

## SECTION 2. SEQR DETERMINATION.

The Town hereby determines that removing the assessment restrictions of Real Property Tax Law § 581(1) and Real Property Law § 339-y(1) is an Unlisted action that will not have a significant effect on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act (“SEQRA”) is required.

## SECTION 3. Inconsistency.

All resolutions, ordinances or local laws or portions thereof of the Town of Colonie not consistent with this local law in whole or in part shall be repealed.

## SECTION 4. Severability.

If any provisions of this local law or the application thereof to any person or circumstances shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the remainder of this local law or the application thereof to other persons or circumstances shall not be affected thereby.

## SECTION 5. Effective Date.

This local law shall become effective upon its proper filing in the Office of the Secretary of State, and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such effective date.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2011 of the **Town of Colonie** was duly passed by the Town Board on \_\_\_\_\_ 2011, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2011 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2011, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2011, in accordance with applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2011 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2011, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2011. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 2011, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2011 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2011, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2011. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2011, in accordance with the applicable provisions of law.

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**\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2011 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 2011, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2011 of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 2011, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

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Clerk of county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date:

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

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Town of Colonie Town Attorney  
Date: