

# RULE REVIEW

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## STATE BOARD OF REAL PROPERTY SERVICES

The following rule adoptions by the State Board of Real Property Services during 2000 were reviewed during 2005 pursuant to SAPA section 207 to determine whether they should remain in effect as adopted or should be modified. Each is contained in Title 9 of the NYCRR. All rules were subject of a review by the Office of Real Property Services during 2005 prior to their submission to the State Board of Real Property Services (State Board) for formal action. Notice of the review was published in the January 5, 2005, edition of the *State Register*. Public comment was requested by April 1, 2005. No comments were received for any of the rules.

Part 188 – Minimum Qualification Standards, Training and Certification of Local Assessment Administration Personnel – Training Requirements for Local Assessment Personnel – RPS-09-00-00012, effective May 10, 2000. Statutory basis - Real Property Tax Law (RPTL), sections 202(1)(l), 310, 312 and 1530. These amendments revised the basic course of training for assessors and directors of county real property tax services agencies. These are the requirements that are currently in effect. Real Property Tax Law, sections 310 (assessors) and 1530 (county directors) require the State Board to prescribe this training. This required training constitutes a statement "of general applicability that implements or applies law" as defined in SAPA, §102(2)(a), and thus must be contained in rules. These amendments were part of an ongoing program that continues in place. The State Board continued these amendments without change by Resolution 05-14 at the June 14, 2005, meeting.

Part 190 – Assessment Rolls – License Fees – RPS-40-99-00008, effective January 26, 2000. Statutory basis – RPTL, section 202(1)(l) and State Finance Law section 97-kk. These amendments increased the annual license fee for users of the Real Property System (RPS), a software package developed by the New York State Office of Real Property Services. SAPA, § 102(2)(b)(xi)(3) requires such fees to be contained in rules. The State Board subsequently increased the fee again in 2004. This later amendment may have taken this proposal out of the five-year review. However, the 2000 amendment contains language providing which users are liable for the fee that is still in effect. Given the statutory requirements for the contents of this Part, the State Board continued these amendments without change by Resolution 05-15 at the June 14, 2005, meeting.

Parts 190 Assessment Rolls and 192 State Assistance Program for Attainment of Standards for a System of Improved Real Property Tax Administration – Inventories of Property Characteristics - RPS-18-00-00008, effective August 30, 2000. Statutory Basis - RPTL, sections 202(1)(l), 500 and 501. These amendments to Parts 190 and 192 concerned the information on physical characteristics of property that local assessors must maintain. These amendments clarified certain provisions of the requirements the State Board had previously adopted in 1999. These minimum inventory requirements are contained in rules as a statement "of general applicability that implements or applies law"

as defined in SAPA, § 102(2)(a). In the past the State Board had directed that hearings pursuant to RPTL, § 216 be held to assure compliance with these minimum inventory requirements. A review has been taking place concerning these requirements. The provisions of both section 190-1.1 and Subpart 192-3 concern inventory data. Staff recommended to the State Board that these provisions be continued in effect until the inventory review is complete. The State Board continued these amendments without change by Resolution 05-16 at the June 14, 2005, meeting.

Part 191 – Real Property Transfers – Residential Assessment Ratios – RPS-48-99-00003, effective March 1, 2000. Statutory basis – RPTL, sections 202(1)(l) and 738. These amendments to section 191-3.2 concerned the standard for recomputing Residential Assessment Ratios (RARs). RPTL, § 738(2) allows recomputation of RARs prior to their use if local officials submit information that would result in a "substantial change". By these amendments the State Board recognized that even a change as small as .01% could be substantial. These amendments continue in effect. They constitute a statement "of general applicability that implements or applies law" as defined in SAPA, § 102(2)(a). The State Board continued these amendments without change by Resolution 05-17 at the June 14, 2005, meeting.

Part 201 – State Assistance for the Maintenance of a System of Improved Real Property Tax Administration – State Assistance to Local Assessing units – RPS-09-00-00012, effective May 10, 2000. Statutory basis – RPTL sections 202(1)(l) and 1573. Chapter 405 of the Laws of 1999 amended the Real Property Tax Law to provide a program of State financial assistance to assessing units that maintain assessments annually at 100% of current value. Section 1573(2)(b)(i) requires that the State Board promulgate rules containing the standards for receiving this aid. The State Board continued these amendments without change by Resolution 05-18 at the June 14, 2005, meeting.

