

# **Bond Case Briefs**

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## **TAX - NEW YORK**

### **Laertes Solar, LLC v. Assessor of Town of Harford**

**Supreme Court, Appellate Division, Third Department, New York - April 16, 2020 - N.Y.S.3d - 2020 WL 1886279 - 2020 N.Y. Slip Op. 02302**

Town assessor appealed from decision of the Supreme Court, Cortland County, in favor of taxpayer in combined Article 78 and declaratory judgment proceeding in which taxpayer sought a declaration that solar energy system was exempt from property taxes.

The Supreme Court held that:

- Opt-out provision of statute that exempted from property taxation any increase in the value of real property by reason of the inclusion of a solar energy system for a period of 15 years was mandatory, and thus, a resolution by school district that purported to opt-out of a tax exemption for the value of a solar system subsequently installed on real property in the school district was inapplicable, and
- The 60-day period for school district to demand that taxpayer enter into a payment in lieu of taxes with regard to the property tax exclusion afforded a taxpayer for the inclusion of a solar energy system, absent a valid opt-out agreement by the district, began to run on the date the district was informed by taxpayer that the system existed.