

5052

2011-2012 Regular Sessions

I N   S E N A T E

May 3, 2011

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Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to establishing a capped real property school tax rate for persons sixty-seven years of age or older whose combined annual income is fifty thousand dollars or less

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The real property tax law is amended by adding a new  
2     section 431 to read as follows:  
3     S 431. PERSONS SIXTY-SEVEN YEARS OF AGE OR OVER; CAPPED REAL PROPERTY  
4     SCHOOL TAX RATE. 1. (A) RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED BY  
5     ONE OR MORE PERSONS, EACH OF WHOM IS SIXTY-SEVEN YEARS OF AGE OR OVER  
6     AND WHOSE COMBINED ANNUAL INCOME IS FIFTY THOUSAND DOLLARS OR LESS, OR  
7     RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED BY HUSBAND AND WIFE, ONE OF  
8     WHOM IS SIXTY-SEVEN YEARS OF AGE OR OVER AND WHOSE COMBINED ANNUAL  
9     INCOME IS FIFTY THOUSAND DOLLARS OR LESS, SHALL BE ELIGIBLE FOR THE  
10    CAPPED REAL PROPERTY SCHOOL TAX RATE SET FORTH IN THIS SECTION.  
11    (B) FOR PURPOSES OF THIS SECTION, THE TERM "CAPPED REAL PROPERTY  
12    SCHOOL TAX RATE" SHALL MEAN THE LOWER OF:  
13    (I) THE REAL PROPERTY SCHOOL TAX RATE ESTABLISHED ON THE TAXABLE  
14    STATUS DATE NEXT SUCCEEDING THE DATE ON WHICH AN ELIGIBLE PERSON ATTAINS  
15    THE AGE OF SIXTY-SEVEN YEARS; OR  
16    (II) THE REAL PROPERTY SCHOOL TAX RATE ESTABLISHED ON ANY TAXABLE  
17    STATUS DATE SUBSEQUENT TO THE DATE ON WHICH AN ELIGIBLE PERSON ATTAINS  
18    THE AGE OF SIXTY-SEVEN YEARS, WHICH IS LOWER THAN THE REAL PROPERTY  
19    SCHOOL TAX RATE ESTABLISHED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARA-  
20    GRAPH.  
21    (C) THE CAPPED REAL PROPERTY SCHOOL TAX RATE SHALL BE DETERMINED ANNU-  
22    ALLY FOR EACH ELIGIBLE PERSON SIXTY-SEVEN YEARS OF AGE OR OLDER IN

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD09982-01-1

1 ACCORDANCE WITH THE PROVISIONS OF PARAGRAPHS (A) AND (B) OF THIS SUBDI-  
2 VISION.

3 2. ANY PERSON ELIGIBLE FOR THE CAPPED REAL PROPERTY SCHOOL TAX RATE  
4 SHALL APPLY ANNUALLY FOR SUCH CAPPED RATE. SUCH APPLICATION SHALL BE  
5 MADE IN A MANNER AND FORM DETERMINED BY THE COMMISSIONER AND SHALL  
6 REQUIRE PROOF OF THE APPLICANT'S AGE. SUCH APPLICATION SHALL BE FILED  
7 WITH THE LOCAL ASSESSOR ON OR BEFORE THE TAXABLE STATUS DATE FOR SUCH  
8 DISTRICT.

9 3. EVERY SCHOOL DISTRICT SHALL NOTIFY, OR CAUSE TO BE NOTIFIED, EACH  
10 PERSON OWNING RESIDENTIAL REAL PROPERTY IN THE SCHOOL DISTRICT OF THE  
11 PROVISIONS OF THIS SECTION. THE PROVISIONS OF THIS SUBDIVISION MAY BE  
12 MET BY A NOTICE SENT TO SUCH PERSONS IN SUBSTANTIALLY THE FOLLOWING  
13 FORM: "RESIDENTIAL REAL PROPERTY OWNED BY PERSONS SIXTY-SEVEN YEARS OF  
14 AGE OR OLDER MAY BE ELIGIBLE FOR A CAPPED REAL PROPERTY SCHOOL TAX RATE.  
15 TO RECEIVE SUCH CAPPED RATE, ELIGIBLE OWNERS OF QUALIFYING PROPERTY MUST  
16 FILE AN APPLICATION WITH THEIR LOCAL ASSESSOR ON OR BEFORE THE APPLICA-  
17 BLE TAXABLE STATUS DATE. FOR FURTHER INFORMATION, PLEASE CONTACT YOUR  
18 LOCAL ASSESSOR."

19 S 2. This act shall take effect January 1, 2013 and shall apply to  
20 assessment rolls prepared on the basis of taxable status dates occurring  
21 on or after such date.