S T A T E O F N E W Y O R K

5052--A

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 sixty thousand dollars or less

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

Section 1. The real property tax law is amended by adding a new section 431 to read as follows:

S 431. PERSONS SIXTY-SEVEN YEARS OF AGE OR OVER; CAPPED REAL PROPERTY SCHOOL TAX RATE. 1. (A) RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED BY ONE OR MORE PERSONS, EACH OF WHOM IS SIXTY-SEVEN YEARS OF AGE OR OVER AND WHOSE COMBINED ANNUAL INCOME IS SIXTY THOUSAND DOLLARS OR LESS, OR RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED BY HUSBAND AND WIFE, ONE OF WHOM IS SIXTY-SEVEN YEARS OF AGE OR OVER AND WHOSE COMBINED ANNUAL INCOME IS SIXTY THOUSAND DOLLARS OR LESS, SHALL BE ELIGIBLE FOR THE CAPPED REAL PROPERTY SCHOOL TAX RATE SET FORTH IN THIS SECTION.

(B) FOR PURPOSES OF THIS SECTION, THE TERM "CAPPED REAL PROPERTY SCHOOL TAX RATE" SHALL MEAN THE LOWER OF:

(I) THE REAL PROPERTY SCHOOL TAX RATE ESTABLISHED ON THE TAXABLE STATUS DATE NEXT SUCCEEDING THE DATE ON WHICH AN ELIGIBLE PERSON ATTAINS THE AGE OF SIXTY-SEVEN YEARS; OR

(II) THE REAL PROPERTY SCHOOL TAX RATE ESTABLISHED ON ANY TAXABLE STATUS DATE SUBSEQUENT TO THE DATE ON WHICH AN ELIGIBLE PERSON ATTAINS THE AGE OF SIXTY-SEVEN YEARS, WHICH IS LOWER THAN THE REAL PROPERTY SCHOOL TAX RATE ESTABLISHED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH.

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

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(C) THE CAPPED REAL PROPERTY SCHOOL TAX RATE SHALL BE DETERMINED ANNUALLY FOR EACH ELIGIBLE PERSON SIXTY-SEVEN YEARS OF AGE OR OLDER IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION.

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

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

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