

3872--A

2013-2014 Regular Sessions

I N S E N A T E

February 26, 2013

Introduced by Sens. LANZA, ADDABBO, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs 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 real property tax exemptions for property in cities having a population of one million or more and owned by certain veterans or their family members

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

1 Section 1. Paragraphs 2 and 3 of subdivision 1 of section 458 of the
2 real property tax law, paragraph 2 as amended by chapter 488 of the laws
3 of 1998 and paragraph 3 as amended by chapter 733 of the laws of 1959,
4 are amended to read as follows:
5 (2) Except as provided in subdivision five of this section, no such
6 exemption on account of eligible funds paid on account of military or
7 naval services rendered by an individual shall be allowed in excess of
8 five thousand dollars; PROVIDED, HOWEVER, IN A CITY WITH A POPULATION OF
9 ONE MILLION OR MORE, AN EXEMPTION ON ACCOUNT OF ELIGIBLE FUNDS PAID ON
10 ACCOUNT OF MILITARY OR NAVAL SERVICES RENDERED BY AN INDIVIDUAL SHALL
11 EQUAL FORTY PERCENT OF ELIGIBLE FUNDS, BUT IN NO CASE SHALL SUCH
12 EXEMPTION BE ALLOWED IN EXCESS OF TWO THOUSAND DOLLARS. For the purposes
13 of this subdivision any established exemption, or newly claimed
14 exemption, or an aggregate thereof, as the case may be, in excess of any
15 multiple of fifty dollars shall be regarded as being the nearest multi-
16 ple of fifty dollars and allowed in such amount. If the amount of such
17 exemption has no nearest multiple of fifty dollars, it shall be regarded
18 as being the next higher multiple of fifty dollars and allowed in such
19 amount. The mingling of such eligible funds with other funds or their

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

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1 retention by the United States for insurance premiums shall not bar the
2 granting of a claim for such exemption.

3 (3) If the assessors are satisfied that the applicant is entitled to
4 any exemption, they shall make appropriate entries upon the assessment-
5 roll opposite the description of such property and subtract the total
6 amount of such exemption from the total amount assessed pursuant to the
7 provisions of paragraph one of this subdivision. Such entries shall be
8 made and continued in each assessment of the property so long as it is
9 exempt from taxation for any purpose. Such real property, to the extent
10 of the exemption entered by the assessors, shall be exempt from state,
11 county and general municipal taxation, but shall be taxable for local
12 school purposes; PROVIDED, HOWEVER, IN ANY CITY WITH A POPULATION OF ONE
13 MILLION OR MORE, SUCH REAL PROPERTY, TO THE EXTENT OF THE EXEMPTION
14 ENTERED BY THE ASSESSORS, SHALL BE EXEMPT FROM STATE, COUNTY AND GENERAL
15 MUNICIPAL TAXATION AND SHALL NOT BE TAXABLE FOR LOCAL SCHOOL PURPOSES.
16 The provisions herein, relating to the assessment and exemption of prop-
17 erty purchased with eligible funds apply and shall be enforced in each
18 municipal corporation authorized to levy taxes.

19 S 2. Subdivision 2 of section 458 of the real property tax law, as
20 amended by chapter 63 of the laws of 1976, is amended to read as
21 follows:

22 2. Real property purchased with moneys collected by popular
23 subscription in partial recognition of extraordinary services rendered
24 by any honorably discharged veteran of world war one, world war two, or
25 of the hostilities which commenced June twenty-seventh, nineteen hundred
26 fifty, who sustained permanent disability while on military duty, either
27 total or partial, and owned by the person who sustained such injuries,
28 or by his or her spouse or unremarried surviving spouse, or dependent
29 father or mother, is subject to taxation as herein provided. Such prop-
30 erty shall be assessed in the same manner as other real property in the
31 tax district. At the meeting of the assessors to hear complaints
32 concerning the assessments, a verified application for the exemption of
33 such real property from taxation may be presented to them by or on
34 behalf of the owner thereof, which application must show the facts on
35 which the exemption is claimed, including the amount of moneys so raised
36 and used in or toward the purchase of such property. No exemption on
37 account of any such gift shall be allowed in excess of five thousand
38 dollars; PROVIDED, HOWEVER, IN ANY CITY WITH A POPULATION OF ONE MILLION
39 OR MORE, NO EXEMPTION ON ACCOUNT OF ANY GIFT SHALL BE ALLOWED IN EXCESS
40 OF TWO THOUSAND DOLLARS. The application for exemption shall be
41 presented and action thereon taken in the manner provided by subdivision
42 one of this section. If no application for exemption be granted, the
43 property shall be subject to taxation for all purposes. The provisions
44 herein, relating to the assessment and exemption of property purchased
45 with moneys raised by popular subscription, apply and shall be enforced
46 in each municipal corporation authorized to levy taxes.

47 S 3. Paragraph (a) of subdivision 1 of section 458-a of the real
48 property tax law, as amended by chapter 179 of the laws of 2006, is
49 amended to read as follows:

50 (a) "Period of war" means the Spanish-American war; the Mexican border
51 period; World War I; World War II; the hostilities, known as the Korean
52 war, which commenced June twenty-seventh, nineteen hundred fifty and
53 terminated on January thirty-first, nineteen hundred fifty-five; the
54 hostilities, known as the Vietnam war, which commenced February twenty-
55 eighth, nineteen hundred sixty-one and terminated on May seventh, nine-
56 teen hundred seventy-five; [and] the hostilities, known as the Persian

1 Gulf conflict, which commenced August second, nineteen hundred ninety;
2 IN ANY CITY WITH A POPULATION OF ONE MILLION OR MORE, THE HOSTILITIES,
3 KNOWN AS THE IRAQ WAR, WHICH COMMENCED MARCH, TWO THOUSAND THREE; AND IN
4 ANY CITY WITH A POPULATION OF ONE MILLION OR MORE, THE HOSTILITIES,
5 KNOWN AS THE AFGHANISTAN WAR, WHICH COMMENCED OCTOBER SEVENTH, TWO THOU-
6 SAND ONE.

7 S 4. Subdivision 2 of section 458-a of the real property tax law, as
8 added by chapter 525 of the laws of 1984, paragraph (a) as amended by
9 chapter 899 of the laws of 1985, paragraph (b) as amended by chapter 473
10 of the laws of 2004, paragraph (c) as amended by chapter 100 of the laws
11 of 1988, subparagraphs (i) and (ii) of paragraph (d) as amended by chap-
12 ter 518 of the laws of 2013, is amended to read as follows:

13 2. (a) Qualifying residential real property shall be exempt from taxa-
14 tion to the extent of fifteen percent of the assessed value of such
15 property; provided, however, that such exemption shall not exceed twelve
16 thousand dollars or the product of twelve thousand dollars multiplied by
17 the latest state equalization rate for the assessing unit, or in the
18 case of a special assessing unit, the latest class ratio, whichever is
19 less; PROVIDED, HOWEVER, IN ANY CITY WITH A POPULATION OF ONE MILLION OR
20 MORE, QUALIFYING RESIDENTIAL REAL PROPERTY SHALL BE EXEMPT FROM TAXATION
21 TO THE EXTENT OF SIX PERCENT OF THE ASSESSED VALUE OF SUCH PROPERTY;
22 PROVIDED, FURTHER, THAT SUCH EXEMPTION SHALL NOT EXCEED FOUR THOUSAND
23 EIGHT HUNDRED DOLLARS OR THE PRODUCT OF FOUR THOUSAND EIGHT HUNDRED
24 DOLLARS MULTIPLIED BY THE LATEST CLASS RATIO, WHICHEVER IS LESS.

25 (b) In addition to the exemption provided by paragraph (a) of this
26 subdivision, where the veteran served in a combat theatre or combat zone
27 of operations, as documented by the award of a United States campaign
28 ribbon or service medal, or the armed forces expeditionary medal, navy
29 expeditionary medal, marine corps expeditionary medal, or global war on
30 terrorism expeditionary medal, qualifying residential real property also
31 shall be exempt from taxation to the extent of ten percent of the
32 assessed value of such property; provided, however, that such exemption
33 shall not exceed eight thousand dollars or the product of eight thousand
34 dollars multiplied by the latest state equalization rate for the assess-
35 ing unit, or in the case of a special assessing unit, the class ratio,
36 whichever is less; PROVIDED FURTHER, THAT, IN ANY CITY WITH A POPULATION
37 OF ONE MILLION OR MORE, WHERE THE VETERAN SERVED IN A COMBAT THEATRE OR
38 COMBAT ZONE OF OPERATIONS, AS DOCUMENTED BY THE AWARD OF A UNITED STATES
39 CAMPAIGN RIBBON OR SERVICE MEDAL, OR THE ARMED FORCES EXPEDITIONARY
40 MEDAL, NAVY EXPEDITIONARY MEDAL, MARINE CORPS EXPEDITIONARY MEDAL, OR
41 GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL, QUALIFYING RESIDENTIAL REAL
42 PROPERTY ALSO SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF FOUR
43 PERCENT OF THE ASSESSED VALUE OF SUCH PROPERTY; PROVIDED FURTHER, THAT
44 SUCH EXEMPTION SHALL NOT EXCEED THREE THOUSAND TWO HUNDRED DOLLARS OR
45 THE PRODUCT OF THREE THOUSAND TWO HUNDRED DOLLARS MULTIPLIED BY THE
46 CLASS RATIO, WHICHEVER IS LESS.

47 (c) In addition to the exemptions provided by paragraphs (a) and (b)
48 of this subdivision, where the veteran received a compensation rating
49 from the United States veteran's administration or from the United
50 States department of defense because of a service connected disability,
51 qualifying residential real property shall be exempt from taxation to
52 the extent of the product of the assessed value of such property multi-
53 plied by fifty percent of the veteran's disability rating; provided,
54 however, that such exemption shall not exceed forty thousand dollars or
55 the product of forty thousand dollars multiplied by the latest state
56 equalization rate for the assessing unit, or in the case of a special

1 assessing unit, the latest class ratio, whichever is less. For purposes
2 of this paragraph, where a person who served in the active military,
3 naval or air service during a period of war died in service of a service
4 connected disability, such person shall be deemed to have been assigned
5 a compensation rating of one hundred percent; PROVIDED, HOWEVER, IN ANY
6 CITY WITH A POPULATION OF ONE MILLION OR MORE, IN ADDITION TO THE
7 EXEMPTIONS PROVIDED BY PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION, WHERE
8 THE VETERAN RECEIVED A COMPENSATION RATING FROM THE UNITED STATES VETER-
9 AN'S ADMINISTRATION OR FROM THE UNITED STATES DEPARTMENT OF DEFENSE
10 BECAUSE OF A SERVICE CONNECTED DISABILITY, QUALIFYING RESIDENTIAL REAL
11 PROPERTY SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF THE PRODUCT OF
12 THE ASSESSED VALUE OF SUCH PROPERTY MULTIPLIED BY TWENTY PERCENT OF THE
13 VETERAN'S DISABILITY RATING; PROVIDED FURTHER, THAT SUCH EXEMPTION SHALL
14 NOT EXCEED SIXTEEN THOUSAND DOLLARS OR THE PRODUCT OF SIXTEEN THOUSAND
15 DOLLARS MULTIPLIED BY THE LATEST CLASS RATIO, WHICHEVER IS LESS.

16 (d) Limitations. (i) The exemption from taxation provided by this
17 subdivision shall be applicable to county, city, town, village and
18 school district taxation if the governing body of the school district in
19 which the property is located, after public hearings, adopts a resol-
20 ution providing such exemption, the procedure for such hearing and
21 resolution shall be conducted separately from the procedure for any
22 hearing and local law or resolution conducted pursuant to subparagraph
23 (ii) of this paragraph, subdivision four, paragraph (d) of subdivision
24 six and paragraph (b) of subdivision seven of this section; PROVIDED,
25 HOWEVER, THAT IN ANY CITY WITH A POPULATION OF ONE MILLION OR MORE, THE
26 EXEMPTION FROM TAXATION PROVIDED BY THIS SUBDIVISION SHALL BE APPLICABLE
27 TO CITY TAXES AND TAXES LEVIED FOR LOCAL SCHOOL PURPOSES.

28 (ii) Each county, city, town, village or school district may adopt a
29 local law to reduce the maximum exemption allowable in paragraphs (a),
30 (b) and (c) of this subdivision to nine thousand dollars, six thousand
31 dollars and thirty thousand dollars, respectively, or six thousand
32 dollars, four thousand dollars and twenty thousand dollars, respective-
33 ly. Each county, city, town, village or school district is also author-
34 ized to adopt a local law to increase the maximum exemption allowable in
35 paragraphs (a), (b) and (c) of this subdivision to fifteen thousand
36 dollars, ten thousand dollars and fifty thousand dollars, respectively;
37 eighteen thousand dollars, twelve thousand dollars and sixty thousand
38 dollars, respectively; twenty-one thousand dollars, fourteen thousand
39 dollars, and seventy thousand dollars, respectively; twenty-four thou-
40 sand dollars, sixteen thousand dollars, and eighty thousand dollars,
41 respectively; twenty-seven thousand dollars, eighteen thousand dollars,
42 and ninety thousand dollars, respectively; thirty thousand dollars,
43 twenty thousand dollars, and one hundred thousand dollars, respectively;
44 thirty-three thousand dollars, twenty-two thousand dollars, and one
45 hundred ten thousand dollars, respectively; thirty-six thousand dollars,
46 twenty-four thousand dollars, and one hundred twenty thousand dollars,
47 respectively. In addition, a county, city, town, village or school
48 district which is a "high-appreciation municipality" as defined in this
49 subparagraph is authorized to adopt a local law to increase the maximum
50 exemption allowable in paragraphs (a), (b) and (c) of this subdivision
51 to thirty-nine thousand dollars, twenty-six thousand dollars, and one
52 hundred thirty thousand dollars, respectively; forty-two thousand
53 dollars, twenty-eight thousand dollars, and one hundred forty thousand
54 dollars, respectively; forty-five thousand dollars, thirty thousand
55 dollars and one hundred fifty thousand dollars, respectively; forty-
56 eight thousand dollars, thirty-two thousand dollars and one hundred

1 sixty thousand dollars, respectively; fifty-one thousand dollars, thir-
2 ty-four thousand dollars and one hundred seventy thousand dollars,
3 respectively; fifty-four thousand dollars, thirty-six thousand dollars
4 and one hundred eighty thousand dollars, respectively; PROVIDED, HOWEV-
5 ER, A HIGH APPRECIATION MUNICIPALITY THAT IS A SPECIAL ASSESSING UNIT
6 THAT IS A CITY WITH A POPULATION OF ONE MILLION OR MORE, IS AUTHORIZED
7 TO ADOPT A LOCAL LAW TO INCREASE THE MAXIMUM EXEMPTION ALLOWABLE IN
8 PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVISION TO FIFTEEN THOUSAND SIX
9 HUNDRED DOLLARS, TEN THOUSAND FOUR HUNDRED DOLLARS, AND FIFTY-TWO THOU-
10 SAND DOLLARS, RESPECTIVELY; SIXTEEN THOUSAND EIGHT HUNDRED DOLLARS,
11 ELEVEN THOUSAND TWO HUNDRED DOLLARS, AND FIFTY-SIX THOUSAND DOLLARS,
12 RESPECTIVELY; EIGHTEEN THOUSAND DOLLARS, TWELVE THOUSAND DOLLARS, AND
13 SIXTY THOUSAND DOLLARS, RESPECTIVELY; NINETEEN THOUSAND TWO HUNDRED
14 DOLLARS, TWELVE THOUSAND EIGHT HUNDRED DOLLARS, AND SIXTY-FOUR THOUSAND
15 DOLLARS, RESPECTIVELY; TWENTY THOUSAND FOUR HUNDRED DOLLARS, THIRTEEN
16 THOUSAND SIX HUNDRED DOLLARS, AND SIXTY-EIGHT THOUSAND DOLLARS, RESPEC-
17 TIVELY; TWENTY-ONE THOUSAND SIX HUNDRED DOLLARS, FOURTEEN THOUSAND FOUR
18 HUNDRED DOLLARS, AND SEVENTY-TWO THOUSAND DOLLARS, RESPECTIVELY. For
19 purposes of this subparagraph, a "high-appreciation municipality" means:
20 (A) a special assessing unit that is a city, (B) a county for which the
21 commissioner has established a sales price differential factor for
22 purposes of the STAR exemption authorized by section four hundred twen-
23 ty-five of this title in three consecutive years, and (C) a city, town,
24 village or school district which is wholly or partly located within such
25 a county.

26 S 5. An exemption granted pursuant to section 458 or 458-a of the real
27 property tax law that precedes the effective date of this act shall be
28 calculated on subsequent assessment rolls as if the original exemption
29 had been granted pursuant to the provisions of such section, as amended
30 by this act.

31 S 6. This act shall take effect immediately and apply to assessment
32 rolls based upon the taxable status date occurring on or after the fifth
33 day of January next succeeding the date on which it shall have become a
34 law.