

3872

2013-2014 Regular Sessions

I N   S E N A T E

February 26, 2013

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Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

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

22    (3) If the assessors are satisfied that the applicant is entitled to  
23    any exemption, they shall make appropriate entries upon the assessment-

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

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

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

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

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

46 (a) "Period of war" means the Spanish-American war; the Mexican border  
47 period; World War I; World War II; the hostilities, known as the Korean  
48 war, which commenced June twenty-seventh, nineteen hundred fifty and  
49 terminated on January thirty-first, nineteen hundred fifty-five; the  
50 hostilities, known as the Vietnam war, which commenced February twenty-  
51 eighth, nineteen hundred sixty-one and terminated on May seventh, nine-  
52 teen hundred seventy-five; [and] the hostilities, known as the Persian  
53 Gulf conflict, which commenced August second, nineteen hundred ninety;  
54 IN ANY CITY WITH A POPULATION OF ONE MILLION OR MORE, THE HOSTILITIES,  
55 KNOWN AS THE IRAQ WAR, WHICH COMMENCED MARCH, TWO THOUSAND THREE; AND IN  
56 ANY CITY WITH A POPULATION OF ONE MILLION OR MORE, THE HOSTILITIES,

1 KNOWN AS THE AFGHANISTAN WAR, WHICH COMMENCED OCTOBER SEVENTH, TWO THOU-  
2 SAND ONE.

3 S 4. Subdivision 2 of section 458-a of the real property tax law, as  
4 added by chapter 525 of the laws of 1984, paragraph (a) as amended by  
5 chapter 899 of the laws of 1985, paragraph (b) as amended by chapter 473  
6 of the laws of 2004, paragraph (c) as amended by chapter 100 of the laws  
7 of 1988, subparagraph (ii) of paragraph (d) as amended by chapter 256 of  
8 the laws of 2005 and as further amended by subdivision (b) of section 1  
9 of part W of chapter 56 of the laws of 2010, is amended to read as  
10 follows:

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

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

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

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

14 (d) Limitations. (i) The exemption from taxation provided by this  
15 subdivision shall be applicable to county, city, town and village taxa-  
16 tion, but shall not be applicable to taxes levied for school purposes;  
17 PROVIDED, HOWEVER, IN ANY CITY WITH A POPULATION OF ONE MILLION OR MORE,  
18 THE EXEMPTION FROM TAXATION PROVIDED BY THIS SUBDIVISION SHALL BE APPLI-  
19 CABLE TO CITY TAXES AND TAXES LEVIED FOR LOCAL SCHOOL PURPOSES.

20 (ii) Each county, city, town or village may adopt a local law to  
21 reduce the maximum exemption allowable in paragraphs (a), (b) and (c) of  
22 this subdivision to nine thousand dollars, six thousand dollars and  
23 thirty thousand dollars, respectively, or six thousand dollars, four  
24 thousand dollars and twenty thousand dollars, respectively. Each county,  
25 city, town, or village is also authorized to adopt a local law to  
26 increase the maximum exemption allowable in paragraphs (a), (b) and (c)  
27 of this subdivision to fifteen thousand dollars, ten thousand dollars  
28 and fifty thousand dollars, respectively; eighteen thousand dollars,  
29 twelve thousand dollars and sixty thousand dollars, respectively; twen-  
30 ty-one thousand dollars, fourteen thousand dollars, and seventy thousand  
31 dollars, respectively; twenty-four thousand dollars, sixteen thousand  
32 dollars, and eighty thousand dollars, respectively; twenty-seven thou-  
33 sand dollars, eighteen thousand dollars, and ninety thousand dollars,  
34 respectively; thirty thousand dollars, twenty thousand dollars, and one  
35 hundred thousand dollars, respectively; thirty-three thousand dollars,  
36 twenty-two thousand dollars, and one hundred ten thousand dollars,  
37 respectively; thirty-six thousand dollars, twenty-four thousand dollars,  
38 and one hundred twenty thousand dollars, respectively. In addition, a  
39 county, city, town or village which is a "high-appreciation municipi-  
40 pality" as defined in this subparagraph is authorized to adopt a local  
41 law to increase the maximum exemption allowable in paragraphs (a), (b)  
42 and (c) of this subdivision to thirty-nine thousand dollars, twenty-six  
43 thousand dollars, and one hundred thirty thousand dollars, respectively;  
44 forty-two thousand dollars, twenty-eight thousand dollars, and one  
45 hundred forty thousand dollars, respectively; forty-five thousand  
46 dollars, thirty thousand dollars and one hundred fifty thousand dollars,  
47 respectively; forty-eight thousand dollars, thirty-two thousand dollars  
48 and one hundred sixty thousand dollars, respectively; fifty-one thousand  
49 dollars, thirty-four thousand dollars and one hundred seventy thousand  
50 dollars, respectively; fifty-four thousand dollars, thirty-six thousand  
51 dollars and one hundred eighty thousand dollars, respectively; PROVIDED,  
52 HOWEVER, A HIGH APPRECIATION MUNICIPALITY THAT IS A SPECIAL ASSESSING  
53 UNIT THAT IS A CITY WITH A POPULATION OF ONE MILLION OR MORE, IS AUTHOR-  
54 IZED TO ADOPT A LOCAL LAW TO INCREASE THE MAXIMUM EXEMPTION ALLOWABLE IN  
55 PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVISION TO FIFTEEN THOUSAND SIX  
56 HUNDRED DOLLARS, TEN THOUSAND FOUR HUNDRED DOLLARS, AND FIFTY-TWO THOU-

1 SAND DOLLARS, RESPECTIVELY; SIXTEEN THOUSAND EIGHT HUNDRED DOLLARS,  
2 ELEVEN THOUSAND TWO HUNDRED DOLLARS, AND FIFTY-SIX THOUSAND DOLLARS,  
3 RESPECTIVELY; EIGHTEEN THOUSAND DOLLARS, TWELVE THOUSAND DOLLARS, AND  
4 SIXTY THOUSAND DOLLARS, RESPECTIVELY; NINETEEN THOUSAND TWO HUNDRED  
5 DOLLARS, TWELVE THOUSAND EIGHT HUNDRED DOLLARS, AND SIXTY-FOUR THOUSAND  
6 DOLLARS, RESPECTIVELY; TWENTY THOUSAND FOUR HUNDRED DOLLARS, THIRTEEN  
7 THOUSAND SIX HUNDRED DOLLARS, AND SIXTY-EIGHT THOUSAND DOLLARS, RESPEC-  
8 TIVELY; TWENTY-ONE THOUSAND SIX HUNDRED DOLLARS, FOURTEEN THOUSAND FOUR  
9 HUNDRED DOLLARS, AND SEVENTY-TWO THOUSAND DOLLARS, RESPECTIVELY. For  
10 purposes of this subparagraph, a "high-appreciation municipality" means:  
11 (A) a special assessing unit that is a city, (B) a county for which the  
12 commissioner has established a sales price differential factor for  
13 purposes of the STAR exemption authorized by section four hundred twen-  
14 ty-five of this title in three consecutive years, and (C) a city, town  
15 or village which is wholly or partly located within such a county.  
16 S 5. An exemption granted pursuant to section 458 or 458-a of the real  
17 property tax law that precedes the effective date of this act shall be  
18 calculated on subsequent assessment rolls as if the original exemption  
19 had been granted pursuant to the provisions of such section, as amended  
20 by this act.  
21 S 6. This act shall take effect immediately and apply to assessment  
22 rolls based upon the taxable status date occurring on or after the fifth  
23 day of January next succeeding the date on which it shall have become a  
24 law.