

2245--C

2015-2016 Regular Sessions

I N S E N A T E

January 22, 2015

Introduced by Sens. CARLUCCI, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 -- 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 veterans

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

1 Section 1. Paragraph 3 of subdivision 1 of section 458 of the real
2 property tax law, as amended by chapter 733 of the laws of 1959, is
3 amended to read as follows:
4 (3) If the assessors are satisfied that the applicant is entitled to
5 any exemption, they shall make appropriate entries upon the assessment-
6 roll opposite the description of such property and subtract the total
7 amount of such exemption from the total amount assessed pursuant to the
8 provisions of paragraph one of this subdivision. Such entries shall be
9 made and continued in each assessment of the property so long as it is
10 exempt from taxation for any purpose. Such real property, to the extent
11 of the exemption entered by the assessors, shall be exempt from state,
12 county and general municipal taxation[, but shall be taxable for local
13 school purposes]. THE GOVERNING BODY OF A SCHOOL DISTRICT IN WHICH SUCH
14 PROPERTY IS LOCATED OR, IN THE CASE OF A CITY WITH A POPULATION OF ONE
15 MILLION OR MORE, THE LOCAL LEGISLATIVE BODY, MAY, AFTER PUBLIC HEARINGS,
16 ADOPT A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING FOR AN EXEMPTION
17 FOR LOCAL SCHOOL PURPOSES. The provisions herein, relating to the
18 assessment and exemption of property purchased with eligible funds apply

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

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1 and shall be enforced in each municipal corporation authorized to levy
2 taxes.

3 S 2. Paragraph (a) of subdivision 5 of section 458 of the real proper-
4 ty tax law, as amended by chapter 625 of the laws of 1995, and as
5 further amended by subdivision (b) of section 1 of part W of chapter 56
6 of the laws of 2010, is amended to read as follows:

7 (a) Notwithstanding the limitation on the amount of exemption
8 prescribed in subdivision one or two of this section, upon adoption of a
9 local law by the governing board of a county, city, town [or], village,
10 SCHOOL DISTRICT OR, IN THE CASE OF A CITY WITH A POPULATION OF ONE
11 MILLION OR MORE, THE LOCAL LEGISLATIVE BODY, that levies taxes or for
12 which taxes are levied on an assessment roll, if the total assessed
13 value of the real property for which such exemption has been granted
14 increases or decreases as the result of a revaluation or update of
15 assessments, and a material change in level of assessment, as provided
16 in title two of article twelve of this chapter, is certified for the
17 assessment roll pursuant to the rules of the commissioner, the assessor
18 shall increase or decrease the amount of such exemption by multiplying
19 the amount of such exemption by the change in level of assessment
20 factor. If the assessor receives the certification after the completion,
21 verification and filing of the final assessment roll, the assessor shall
22 certify the amount of exemption as recomputed pursuant to this paragraph
23 to the local officers having custody and control of the roll, and such
24 local officers are hereby directed and authorized to enter the recom-
25 puted exemption certified by the assessor on the roll.

26 S 3. Subparagraph (ii) of paragraph (d) of subdivision 5 of section
27 458 of the real property tax law, as added by chapter 178 of the laws of
28 1997, is amended to read as follows:

29 (ii) An assessing unit which finally files a change in level of
30 assessment roll in or after the calendar year nineteen hundred ninety-
31 eight may, pursuant to local law, ORDINANCE OR RESOLUTION adopted by the
32 governing board of a county, city, town [or], village, SCHOOL DISTRICT
33 OR, IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE
34 LOCAL LEGISLATIVE BODY, that levies taxes or for which taxes are levied
35 on an assessment roll, grant to every veteran who is entitled to any
36 additional eligible funds a recompute exemption in lieu of the exemption
37 otherwise authorized by this subdivision. Such recompute exemption may
38 be granted on any change in level of assessment roll filed in or after
39 calendar year nineteen hundred ninety-eight. A local law adopted pursu-
40 ant to this paragraph [(d)] shall not be subject to referendum.

41 S 4. Subparagraph (i) of paragraph (a) of subdivision 6 of section 458
42 of the real property tax law, as amended by chapter 625 of the laws of
43 1995, is amended to read as follows:

44 (i) Except as otherwise provided in subparagraph (ii) of this para-
45 graph, no new exemption may be granted pursuant to subdivision one or
46 former subdivision five of this section on an assessment roll based upon
47 a taxable status date occurring on or after March second, nineteen
48 hundred eighty-six, except for purposes of taxes levied by or on behalf
49 of a county, city, town or village that has enacted and has in effect a
50 local law as provided in PARAGRAPH (A) OF subdivision four of section
51 four hundred fifty-eight-a of this [chapter] TITLE. Notwithstanding the
52 foregoing, the owner of real property receiving an exemption pursuant to
53 subdivision one or former subdivision five of this section prior to
54 March second, nineteen hundred eighty-six may continue to receive the
55 exemption on the property to which it is applicable.

1 S 5. Subdivision 9 of section 458 of the real property tax law, as
2 amended by chapter 538 of the laws of 2015, is amended to read as
3 follows:

4 9. Notwithstanding the provisions of subdivision one of this section,
5 the governing body of any municipality may, after public hearing, adopt
6 a local law, ordinance or resolution providing where a veteran, the
7 spouse of the veteran or unremarried surviving spouse already receiving
8 an exemption pursuant to this section sells the property receiving the
9 exemption and purchases property within the same county OR SCHOOL
10 DISTRICT, or in the case of a city having a population of one million or
11 more persons, within the same city, the assessor shall transfer and
12 prorate, for the remainder of the fiscal year, the exemption which the
13 veteran, the spouse of the veteran or unremarried surviving spouse
14 received. The prorated exemption shall be based upon the date the veter-
15 an, the spouse of the veteran or unremarried surviving spouse obtains
16 title to the new property and shall be calculated by multiplying the tax
17 rate or rates for each municipal corporation which levied taxes, or for
18 which taxes were levied, on the appropriate tax roll used for the fiscal
19 year or years during which the transfer occurred times the previously
20 granted exempt amount times the fraction of each fiscal year or years
21 remaining subsequent to the transfer of title. Nothing in this section
22 shall be construed to remove the requirement that any such veteran, the
23 spouse of the veteran or unremarried surviving spouse transferring an
24 exemption pursuant to this subdivision shall reapply for the exemption
25 authorized pursuant to this section on or before the following taxable
26 status date, in the event such veteran, the spouse of the veteran or
27 unremarried surviving spouse wishes to receive the exemption in future
28 fiscal years.

29 S 6. This act shall take effect immediately.