

5389--A

2015-2016 Regular Sessions

I N   S E N A T E

May 14, 2015

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Introduced by Sens. COMRIE, ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- recommitted to the Committee on Aging 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, the tax law, the administrative code of the city of New York and the state finance law, in relation to establishing a Co-STAR program for seniors

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 425-b to read as follows:  
3     S 425-B. CO-STAR PROGRAM FOR SENIOR CITIZENS. 1. GENERALLY. WHEN REAL  
4     PROPERTY RECEIVES THE ENHANCED STAR EXEMPTION FROM SCHOOL DISTRICT TAXA-  
5     TION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE, THE  
6     PROPERTY SHALL BE DESIGNATED AS ELIGIBLE FOR A CO-STAR ASSESSMENT ON THE  
7     SAME ASSESSMENT ROLL IN THE MANNER PROVIDED BY THIS SECTION, AND THE  
8     QUALIFIED OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE ENTITLED TO A  
9     COUNTY TAX REBATE IN THE AMOUNT AND MANNER PROVIDED BY SECTION ONE  
10    HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW. NO SEPARATE APPLICATION NEED BE  
11    FILED FOR SUCH CO-STAR ASSESSMENT OR REBATE.  
12    2. CO-STAR ASSESSMENTS. (A) SUBJECT TO THE PROVISIONS OF PARAGRAPH (B)  
13    OF THIS SUBDIVISION, THE CO-STAR ASSESSMENT FOR EACH ELIGIBLE PARCEL  
14    SHALL BE EQUAL TO THREE TIMES THE EXEMPT AMOUNT DETERMINED FOR PURPOSES  
15    OF THE ENHANCED STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWEN-  
16    TY-FIVE OF THIS TITLE FOR THE ASSESSING UNIT IN WHICH THE PARCEL IS  
17    LOCATED.  
18    (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-  
19    SION, IN NO EVENT SHALL THE CO-STAR ASSESSMENT OF A PARCEL EXCEED THE  
20    TAXABLE ASSESSED VALUE OF THAT PARCEL FOR COUNTY PURPOSES.

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

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1 3. ENTRY ON ASSESSMENT ROLL; EFFECT. EACH PARCEL WHICH IS ELIGIBLE FOR  
2 A CO-STAR ASSESSMENT SHALL BE DESIGNATED AS SUCH BY THE ASSESSOR ON THE  
3 ASSESSMENT ROLL, PROVIDED, HOWEVER, THAT A CO-STAR ASSESSMENT SHALL NOT  
4 AFFECT THE TOTAL OR TAXABLE ASSESSED VALUE OF ANY PARCEL FOR ANY  
5 PURPOSE, AND SHALL NOT BE CONSIDERED WHEN DETERMINING THE TAX RATE OF  
6 ANY COUNTY OR FOR ANY PURPOSE OTHER THAN DETERMINING THE REBATE TO WHICH  
7 THE OWNER-APPLICANT OR OWNER-APPLICANTS ARE ENTITLED UNDER SECTION ONE  
8 HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW.

9 4. PAYMENT OF CO-STAR REBATES. THE COMMISSIONER OF TAXATION AND  
10 FINANCE SHALL PAY CO-STAR REBATES IN THE MANNER PROVIDED BY SECTION ONE  
11 HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW.

12 5. FAILURE TO PAY COUNTY TAXES. IF THE COUNTY TAXES ON AN ELIGIBLE  
13 PARCEL ARE NOT PAID IN FULL DURING THE APPLICABLE COUNTY FISCAL YEAR,  
14 THE OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE SUBJECT TO THE CONSE-  
15 QUENCES SPECIFIED IN SUBDIVISION FIVE OF SECTION ONE HUNDRED  
16 SEVENTY-SEVEN-A OF THE TAX LAW, IN ADDITION TO SUCH OTHER CONSEQUENCES  
17 AS MAY BE PROVIDED BY LAW.

18 6. EXCEPTIONS. (A) COOPERATIVE APARTMENT UNITS AND MOBILE HOMES. WHEN  
19 AN ENHANCED STAR EXEMPTION IS GRANTED PURSUANT TO PARAGRAPH (K) OF  
20 SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE IN  
21 RELATION TO A COOPERATIVE APARTMENT UNIT, OR PURSUANT TO PARAGRAPH (L)  
22 OF SUCH SUBDIVISION IN RELATION TO A MOBILE HOME WHICH IS SEPARATELY  
23 OWNED FROM BUT ASSESSED WITH THE LAND ON WHICH IT IS LOCATED, AND SUCH  
24 COOPERATIVE APARTMENT UNIT OR MOBILE HOME IS ALSO ELIGIBLE FOR A CO-STAR  
25 ASSESSMENT PURSUANT TO THIS SECTION, THE CO-STAR REBATE SHALL BE PAID  
26 DIRECTLY TO THE QUALIFIED OWNER-APPLICANT OR OWNER-APPLICANTS NOTWITH-  
27 STANDING THE FACT THAT THE STAR EXEMPTION APPLIES TO THE PARCEL ITSELF.  
28 THE ASSESSOR SHALL PREPARE A LIST OR DATA FILE IDENTIFYING SUCH  
29 OWNER-APPLICANT OR OWNER-APPLICANTS, THEIR MAILING ADDRESSES, AND THE  
30 TAXABLE ASSESSED VALUE FOR COUNTY PURPOSES ATTRIBUTABLE TO THEIR RESPEC-  
31 TIVE COOPERATIVE APARTMENT UNITS OR MOBILE HOMES, AND SHALL SUBMIT THE  
32 SAME TO THE COMMISSIONER WITHIN THIRTY DAYS AFTER THE COMPLETION OF THE  
33 FINAL ASSESSMENT ROLL. SUCH LIST OR DATA FILE SHALL BE PREPARED IN SUCH  
34 FORM AND MANNER AS MAY BE PRESCRIBED BY THE COMMISSIONER IN CONSULTATION  
35 WITH THE DEPARTMENT OF TAXATION AND FINANCE.

36 (B) COUNTIES IN CERTAIN CITIES. IN THE CASE OF A COUNTY LOCATED WHOLLY  
37 WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE  
38 CO-STAR ASSESSMENT ASSOCIATED WITH EACH ELIGIBLE PARCEL SHALL BE EQUAL  
39 TO FIFTY PERCENT OF THE EXEMPT AMOUNT DETERMINED FOR PURPOSES OF THE  
40 ENHANCED STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE  
41 OF THIS TITLE FOR SUCH CITY AFTER THE ADJUSTMENT REQUIRED BY PARAGRAPH  
42 (J) OF SUBDIVISION TWO OF SUCH SECTION.

43 7. CORRECTION OF AN INCORRECT ENTRY. AN INCORRECT ENTRY ON AN ASSESS-  
44 MENT ROLL OF A CO-STAR ASSESSMENT MAY BE CORRECTED IN THE MANNER  
45 PROVIDED BY LAW FOR THE CORRECTION OF AN INCORRECT ENTRY OF THE STAR  
46 EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE.  
47 A DENIAL OF A CO-STAR ASSESSMENT SHALL BE SUBJECT TO ADMINISTRATIVE AND  
48 JUDICIAL REVIEW IN THE MANNER PROVIDED BY LAW FOR THE REVIEW OF ASSESS-  
49 MENTS.

50 8. INCONSISTENT LAWS SUPERSEDED. THE PROVISIONS OF THIS SECTION SHALL  
51 APPLY TO ALL ASSESSING UNITS, EXCLUDING VILLAGE ASSESSING UNITS AND  
52 CITIES WITHIN A COUNTY ASSESSING UNIT, AND TO ALL COUNTIES, NOTWITH-  
53 STANDING ANY PROVISION OF LAW TO THE CONTRARY.

54 S 2. The tax law is amended by adding a new section 177-a to read as  
55 follows:

1 S 177-A. CO-STAR TAX REBATES. 1. PAYMENT OF REBATES. THE COMMISSIONER  
2 SHALL PAY CO-STAR TAX REBATES, AS PROVIDED IN SECTION FOUR HUNDRED TWEN-  
3 TY-FIVE-B OF THE REAL PROPERTY TAX LAW, TO AUTHORIZED PAYEES AS DEFINED  
4 IN THIS SECTION. THE AMOUNT OF EACH SUCH REBATE SHALL EQUAL THE CO-STAR  
5 ASSESSMENT ASSOCIATED WITH THE PARCEL IN QUESTION MULTIPLIED BY THE  
6 APPLICABLE COUNTY TAX RATE. SUCH PAYMENTS SHALL BE MADE AS PROMPTLY AS  
7 POSSIBLE FOLLOWING RECEIPT OF THE PAYEE IDENTIFICATION AND OTHER INFOR-  
8 MATION SPECIFIED IN THIS SECTION, SUBJECT TO APPROPRIATION BY THE STATE  
9 LEGISLATURE. THE COMMISSIONER SHALL DESIGN, DEVELOP AND IMPLEMENT A  
10 PROCESS TO REVIEW THE QUALITY AND INTEGRITY OF THE CO-STAR INFORMATION  
11 IN HIS OR HER POSSESSION.

12 2. AUTHORIZED PAYEES; MAILING ADDRESSES. (A) FOR EACH ELIGIBLE PROPER-  
13 TY, THE CO-STAR REBATE SHALL BE PAID TO THE QUALIFIED OWNER-APPLICANT OR  
14 OWNER-APPLICANTS, OR HIS, HER OR THEIR PAYMENT DESIGNEE OR DESIGNEES, IF  
15 ANY. IN THE CASE OF CO-STAR ASSESSMENTS GRANTED PURSUANT TO SECTION FOUR  
16 HUNDRED TWENTY-FIVE-B OF THE REAL PROPERTY TAX LAW, THE QUALIFIED  
17 OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE THE SENIOR CITIZEN OR CITI-  
18 ZENS WHO APPLIED FOR, AND WERE FOUND TO SATISFY THE REQUIREMENTS OF, THE  
19 ENHANCED STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE  
20 OF THE REAL PROPERTY TAX LAW.

21 (B) THE CO-STAR REBATE SHALL BE MAILED TO THE MAILING ADDRESS PROVIDED  
22 ON THE APPLICATION FORM FOR THE ENHANCED STAR EXEMPTION SUBMITTED PURSU-  
23 ANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW.

24 3. REPORTING OF DATA TO DEPARTMENT. (A) WHEN DEVELOPING OR MAINTAINING  
25 ITS DATA BASE FOR PURPOSES OF ADMINISTERING ITS RESPONSIBILITIES UNDER  
26 THIS SECTION, THE DEPARTMENT SHALL UTILIZE TO THE MAXIMUM EXTENT POSSI-  
27 BLE DATA EXTRACTED FROM THE ASSESSMENT ROLL DATA FILES SUBMITTED TO THE  
28 COMMISSIONER PURSUANT TO ARTICLE FIFTEEN-C OF THE REAL PROPERTY TAX LAW.  
29 ON OR BEFORE NOVEMBER FIRST OF EACH YEAR, THE COMMISSIONER SHALL ASCER-  
30 TAIN FROM SUCH DATA FILES, THE IDENTIFICATION NUMBERS OF THE PARCELS  
31 DESIGNATED THEREON AS ELIGIBLE FOR CO-STAR ASSESSMENTS, THE NAMES OF THE  
32 OWNERS OF EACH SUCH PARCEL AS APPEARING THEREON, THE TAXABLE ASSESSED  
33 VALUE FOR COUNTY PURPOSES OF EACH SUCH PARCEL AS APPEARING THEREON, AND  
34 THE ASSESSING UNIT IN WHICH EACH SUCH PARCEL IS LOCATED.

35 (B) FOR PURPOSES OF ADMINISTERING ITS RESPONSIBILITIES UNDER THIS  
36 SECTION IN RELATION TO COOPERATIVE APARTMENT UNITS AND MOBILE HOMES, THE  
37 DEPARTMENT SHALL ALSO UTILIZE DATA EXTRACTED FROM THE LISTS AND DATA  
38 FILES SUBMITTED TO THE COMMISSIONER BY ASSESSORS PURSUANT TO PARAGRAPH  
39 (A) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED TWENTY-FIVE-B OF THE REAL  
40 PROPERTY TAX LAW. ON OR BEFORE NOVEMBER FIRST OF EACH YEAR, THE COMMIS-  
41 SIONER SHALL ASCERTAIN FROM SUCH LISTS AND DATA FILES, THE NAMES AND  
42 ADDRESSES OF THE OWNER-APPLICANTS AS SHOWN THEREON, THEIR MAILING  
43 ADDRESSES AS SHOWN THEREON, THE TAXABLE ASSESSED VALUE FOR COUNTY  
44 PURPOSES ATTRIBUTABLE TO THEIR RESPECTIVE COOPERATIVE APARTMENT UNITS OR  
45 MOBILE HOMES, AND THE ASSESSING UNIT IN WHICH EACH SUCH COOPERATIVE  
46 APARTMENT UNIT OR MOBILE HOME IS LOCATED.

47 (C) THE COUNTY TREASURER OF EACH COUNTY SHALL CERTIFY TO THE COMMIS-  
48 SIONER, NO LATER THAN THE THIRTY-FIRST DAY OF JANUARY OF EACH COUNTY  
49 FISCAL YEAR, THE COUNTY TAX RATES APPLICABLE TO EACH CITY AND TOWN WITH-  
50 IN THE COUNTY FOR THAT FISCAL YEAR. IN THE CASE OF A COUNTY LOCATED  
51 WHOLLY WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABIT-  
52 ANTS, THE COMMISSIONER OF FINANCE OF SUCH CITY SHALL MAKE SUCH CERTIF-  
53 ICATION; PROVIDED THAT THE TAX RATE TO BE PROVIDED THEREUNDER, AND USED  
54 TO COMPUTE CO-STAR REBATES PURSUANT TO THIS SECTION, SHALL BE A COMPOS-  
55 ITE OF THE TAX RATES FOR BOTH CITY AND SCHOOL DISTRICT PURPOSES.

(D) IN ADDITION TO RECEIVING DATA PURSUANT TO PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVISION, THE DEPARTMENT MAY ENTER INTO AGREEMENTS WITH LOCAL ASSESSORS, WITH COUNTY TREASURERS, OR WITH SOME OR ALL OF SUCH PARTIES, FOR THE REPORTING TO THE DEPARTMENT OF SUCH OTHER DATA AS MAY BE REQUIRED FOR ITS ADMINISTRATION OF THE CO-STAR TAX REBATE PROGRAM. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE THE DEPARTMENT FROM COLLECTING DIRECTLY FROM PUTATIVE PAYEES SUCH DATA AS IT SHALL DEEM APPROPRIATE.

(E) INFORMATION PROVIDED TO OR PREPARED BY THE DEPARTMENT PURSUANT TO THIS SECTION SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN ADMINISTRATION OF THE CO-STAR PROGRAM, AND SUCH INFORMATION SHALL NOT BE REDISCLOSED OTHER THAN FOR THE PURPOSE OF ADMINISTERING SUCH PROGRAM NOR SHALL THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW APPLY TO ANY SUCH INFORMATION.

4. LIMITATIONS. PAYMENT OF A REBATE UPON THE INFORMATION PROVIDED TO IT, OR DENIAL OF OR FAILURE TO PAY A REBATE BASED ON SUCH INFORMATION, SHALL RELIEVE THE COMMISSIONER AND THE DEPARTMENT FROM ALL LIABILITY TO ANY OWNER OF THE PROPERTY, OR THE ESTATE, TRUST, ASSIGNS, SUCCESSORS, HEIRS OR REPRESENTATIVES OF ANY SUCH OWNER, OR ANY OTHER PERSON, WITH RESPECT TO SUCH PAYMENT, AND SUCH PERSONS SHALL HAVE NO RIGHT TO COMMENCE A COURT ACTION OR PROCEEDING OR TO ANY OTHER LEGAL RECOURSE AGAINST THE STATE, THE COMMISSIONER, THE DEPARTMENT, OR ANY OFFICER OR EMPLOYEE OF STATE OR LOCAL GOVERNMENT INVOLVED IN THE ADMINISTRATION OF THIS PROGRAM, TO RECOVER SUCH PAYMENT.

5. FAILURE TO PAY COUNTY TAXES. (A) AFTER THE CONCLUSION OF EACH COUNTY FISCAL YEAR, THE COUNTY TREASURER OF EACH COUNTY SHALL SUBMIT TO THE COMMISSIONER A LIST IDENTIFYING ALL PARCELS WITH RESPECT TO WHICH THE COUNTY TAXES FOR THAT FISCAL YEAR REMAINED UNPAID AS OF THE END OF THAT FISCAL YEAR. IN THE CASE OF A COUNTY LOCATED WHOLLY WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS, SUCH LIST SHALL BE SUBMITTED BY THE COMMISSIONER OF FINANCE OF SUCH CITY AND SHALL IDENTIFY ALL PARCELS WITH RESPECT TO WHICH THE CITY TAXES FOR THAT FISCAL YEAR REMAINED UNPAID AS OF THE END OF THAT FISCAL YEAR. SUCH LIST SHALL BE SUBMITTED TO THE COMMISSIONER WHEN SUBMITTING THE REPORT DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION THREE OF THIS SECTION.

(B) UPON RECEIVING SUCH A LIST, THE COMMISSIONER SHALL WITHHOLD ANY FUTURE CO-STAR REBATE PAYMENTS TO THE OWNER-APPLICANTS IN RELATION TO ANY PARCELS ON THE LIST UNTIL RECEIVING CONFIRMATION THAT ALL OUTSTANDING COUNTY TAXES ON THE PARCEL IN QUESTION HAVE BEEN PAID IN FULL. IT SHALL BE THE RESPONSIBILITY OF THE OWNER-APPLICANT TO OBTAIN SUCH CONFIRMATION IN WRITING FROM THE COUNTY TREASURER, AND TO PROVIDE THE SAME TO THE DEPARTMENT IN SUCH MANNER AS THE COMMISSIONER MAY PRESCRIBE. AFTER RECEIVING SUCH CONFIRMATION, ANY WITHHELD REBATES FOR WHICH THE OWNER-APPLICANT IS ELIGIBLE AND HAS TIMELY APPLIED SHALL BE RELEASED AND FUTURE REBATE PAYMENTS MAY BE MADE, SUBJECT TO CONTINUED ELIGIBILITY AND CONTINUOUS PAYMENT OF FUTURE COUNTY TAXES. NO INTEREST SHALL BE PAID OR PAYABLE ON ANY WITHHELD REBATES THAT ARE SO RELEASED. THE COMMISSIONER MAY SCHEDULE THE PROCESSING OF REQUESTS FOR THE RELEASE OF WITHHELD REBATES SO AS TO ALLOW PAYMENTS TO BE COLLECTIVELY AUTHORIZED FOR THIS PURPOSE NO MORE FREQUENTLY THAN TWICE PER CALENDAR YEAR.

(C) IF SUCH CONFIRMATION IS NOT RECEIVED WITHIN A TIME PERIOD TO BE DETERMINED BY THE COMMISSIONER, THE COMMISSIONER MAY REVOKE THE CO-STAR REBATE FOR THE COUNTY FISCAL YEAR IDENTIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION AND RECAPTURE THE APPLICABLE AMOUNT IN THE MANNER PRESCRIBED BY SUBDIVISION SEVEN OF THIS SECTION.

1 6. ERRONEOUS REBATES; REPLACEMENT CHECKS. THE COMMISSIONER MAY, IN HIS  
2 OR HER DISCRETION, SEEK TO RECOVER ANY ERRONEOUS REBATE BY NOTIFYING THE  
3 PAYEE OF THE AMOUNT THEREOF. IF SUCH ERRONEOUS REBATE IS NOT RETURNED  
4 WITHIN THIRTY DAYS, THE COMMISSIONER IS AUTHORIZED TO TREAT THE ERRONE-  
5 OUS REBATE AS AN ERRONEOUS REFUND OF INCOME TAX PURSUANT TO THE  
6 PROVISIONS OF PARAGRAPH FIVE OF SUBSECTION (C) OF SECTION SIX HUNDRED  
7 EIGHTY-THREE OF THIS CHAPTER AND SUCH AMOUNTS, WHEN COLLECTED, SHALL BE  
8 DEPOSITED AS PROVIDED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SEVEN-  
9 TY-ONE-A OF THIS ARTICLE, AS IF SUCH AMOUNTS WERE TAXES COLLECTED UNDER  
10 AN ARTICLE OF THIS CHAPTER REFERRED TO IN SUCH SUBDIVISION. WHERE THE  
11 COMMISSIONER FINDS THAT AN ORIGINAL REBATE CHECK HAS BEEN MISDIRECTED  
12 FOR REASONS BEYOND THE CONTROL OF THE AUTHORIZED PAYEE, HE OR SHE MAY  
13 ISSUE A NEW REBATE CHECK TO THE AUTHORIZED PAYEE.

14 7. REGULATIONS. THE COMMISSIONER SHALL BE AUTHORIZED TO MAKE SUCH  
15 RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY FOR THE PERFORMANCE OF  
16 HIS OR HER DUTIES UNDER THIS SECTION, INCLUDING BUT NOT LIMITED TO RULES  
17 AND REGULATIONS RELATING TO STANDARDS AND PROCEDURES FOR FURNISHING DATA  
18 TO THE DEPARTMENT.

19 S 3. Processing of Co-STAR assessments for senior citizens on the  
20 assessment roll. (a) Notwithstanding the provisions of section 425-b of  
21 the real property tax law, as added by section one of this act, parcels  
22 which are eligible for Co-STAR assessments pursuant to such section  
23 shall not be designated as such on the 2014 assessment roll. In lieu  
24 thereof, upon receipt of the 2014 assessment roll data file submitted to  
25 it pursuant to section 1590 of the real property tax law, the commis-  
26 sioner of taxation and finance shall identify the parcels thereon which  
27 are receiving the enhanced STAR exemption pursuant to section 425 of the  
28 real property tax law, shall ascertain the taxable assessed value for  
29 county purposes of each such parcel, and shall forward such information  
30 to the department of taxation and finance, together with the maximum  
31 allowable Co-STAR assessments for each assessing unit.

32 (b) Notwithstanding the provisions of section 177-a of the tax law, as  
33 added by section two of this act, for purposes of issuing rebates of  
34 county taxes for the county fiscal year beginning in 2013, the depart-  
35 ment of taxation and finance may presume that the qualified owner-appli-  
36 cant or owner-applicants were the property owner or owners as of the  
37 applicable taxable status date, as shown on the assessment roll data  
38 file filed with the commissioner of taxation and finance pursuant to  
39 article 15-C of the real property tax law, and may further presume that  
40 the appropriate mailing addresses are the owners' addresses shown there-  
41 on.

42 (c) When property which is eligible for a Co-STAR assessment pursuant  
43 to this section constitutes a cooperative apartment unit or a mobile  
44 home which is subject to the provisions of paragraph (a) of subdivision  
45 6 of section 425-b of the real property tax law, as added by section one  
46 of this act, the assessor shall not be required to file the list or data  
47 file required by such paragraph until the one hundred twentieth day  
48 after the effective date of this act, notwithstanding any provision in  
49 such subdivision to the contrary.

50 S 4. Subsection (e) of section 1310 of the tax law, as added by chap-  
51 ter 481 of the laws of 1997, is relettered subsection (g) and a new  
52 subsection (h) is added to read as follows:

53 (H) CITY CO-STAR CREDIT. (1) FOR TAXABLE YEARS BEGINNING AFTER TWO  
54 THOUSAND SIXTEEN, A CITY CO-STAR CREDIT SHALL BE ALLOWED FOR TAXPAYERS  
55 WHO HAVE ATTAINED THE AGE OF SIXTY-FIVE ON OR BEFORE THE CLOSE OF THE  
56 TAXABLE YEAR. THE CREDIT SHALL BE ALLOWED AGAINST THE TAXES AUTHORIZED

1 BY THIS ARTICLE REDUCED BY THE CREDITS PERMITTED BY THIS ARTICLE. IF THE  
2 CREDIT EXCEEDS THE TAX AS SO REDUCED, THE TAXPAYER MAY RECEIVE, AND THE  
3 COMPTROLLER, SUBJECT TO A CERTIFICATE OF THE COMMISSIONER, SHALL PAY AS  
4 AN OVERPAYMENT, WITHOUT INTEREST, THE AMOUNT OF SUCH EXCESS. FOR  
5 PURPOSES OF THIS SUBSECTION, NO CREDIT SHALL BE GRANTED TO AN INDIVIDUAL  
6 WITH RESPECT TO WHOM A DEDUCTION UNDER SUBSECTION (C) OF SECTION ONE  
7 HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE CODE IS ALLOWABLE TO ANOTHER  
8 TAXPAYER FOR THE TAXABLE YEAR.

9 (2) THE CREDIT SHALL BE DETERMINED UNDER THIS PARAGRAPH.

10 (A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES. IN  
11 THE CASE OF A HUSBAND AND WIFE WHO MAKE A SINGLE RETURN JOINTLY AND OF A  
12 SURVIVING SPOUSE:

13 FOR TAXABLE YEARS TWO THOUSAND SIXTEEN AND AFTER THE CREDIT SHALL BE  
14 ONE HUNDRED TWENTY DOLLARS.

15 (B) ALL OTHERS. IN THE CASE OF AN UNMARRIED INDIVIDUAL, A HEAD OF A  
16 HOUSEHOLD OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN:

17 FOR TAXABLE YEARS TWO THOUSAND SIXTEEN AND AFTER THE CREDIT SHALL BE  
18 SIXTY DOLLARS.

19 S 5. Subdivision (c) of section 11-1706 of the administrative code of  
20 the city of New York, as added by chapter 481 of the laws of 1997, is  
21 relettered subdivision (g) and a new subdivision (h) is added to read as  
22 follows:

23 (H) CITY CO-STAR CREDIT. (1) FOR TAXABLE YEARS BEGINNING AFTER TWO  
24 THOUSAND SIXTEEN, A CITY CO-STAR CREDIT SHALL BE ALLOWED FOR TAXPAYERS  
25 WHO HAVE ATTAINED THE AGE OF SIXTY-FIVE ON OR BEFORE THE CLOSE OF THE  
26 TAXABLE YEAR. THE CREDIT SHALL BE ALLOWED AGAINST THE TAXES IMPOSED BY  
27 THIS CHAPTER REDUCED BY THE CREDITS PERMITTED BY THIS CHAPTER. IF THE  
28 CREDIT EXCEEDS THE TAX AS SO REDUCED, THE TAXPAYER MAY RECEIVE, AND THE  
29 STATE COMPTROLLER, SUBJECT TO A CERTIFICATE OF THE STATE COMMISSIONER OF  
30 TAXATION AND FINANCE, SHALL PAY AS AN OVERPAYMENT, WITHOUT INTEREST, THE  
31 AMOUNT OF SUCH EXCESS. FOR PURPOSES OF THIS SUBDIVISION, NO CREDIT SHALL  
32 BE GRANTED TO AN INDIVIDUAL WITH RESPECT TO WHOM A DEDUCTION UNDER  
33 SUBSECTION (C) OF SECTION ONE HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE  
34 CODE IS ALLOWABLE TO ANOTHER TAXPAYER FOR THE TAXABLE YEAR.

35 (2) THE CREDIT SHALL BE DETERMINED UNDER THIS PARAGRAPH.

36 (A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES. IN  
37 THE CASE OF A HUSBAND AND WIFE WHO MAKE A SINGLE RETURN JOINTLY AND OF A  
38 SURVIVING SPOUSE:

39 FOR TAXABLE YEARS TWO THOUSAND SIXTEEN AND AFTER THE CREDIT SHALL BE  
40 FIVE HUNDRED DOLLARS.

41 (B) ALL OTHERS. IN THE CASE OF AN UNMARRIED INDIVIDUAL, A HEAD OF A  
42 HOUSEHOLD OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN:

43 FOR TAXABLE YEARS TWO THOUSAND SIXTEEN AND AFTER THE CREDIT SHALL BE  
44 SIXTY DOLLARS.

45 S 6. The state finance law is amended by adding a new section 85 to  
46 read as follows:

47 S 85. CO-STAR FUND. 1. THERE IS HEREBY ESTABLISHED IN THE SOLE CUSTODY  
48 OF THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN  
49 AS THE CO-STAR FUND.

50 2. SUCH FUND SHALL CONSIST OF ALL MONIES CREDITED OR TRANSFERRED THER-  
51 ETO FROM THE GENERAL FUND OR FROM ANY OTHER FUND OR SOURCES PURSUANT TO  
52 LAW.

53 3. THE MONIES OF THE FUND SHALL BE AVAILABLE FOR PAYMENT OF CO-STAR  
54 REBATES AUTHORIZED BY SECTION ONE HUNDRED SEVENTY-SEVEN-A OF THE TAX  
55 LAW, AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SHALL BE PAID OUT

1 ON CHECKS ISSUED AND SIGNED SOLELY BY THE COMMISSIONER OF TAXATION AND  
2 FINANCE.

3 S 7. This act shall take effect immediately, provided, however:

4 (a) Section one of this act shall apply to assessment rolls filed in  
5 2017 and thereafter; and

6 (b) Section two of this act shall apply to county fiscal years begin-  
7 ning in 2018 and thereafter.