

STATE OF NEW YORK

4979

2017-2018 Regular Sessions

IN ASSEMBLY

February 6, 2017

Introduced by M. of A. BARRETT, DenDEKKER, MOSLEY, OTIS, HAWLEY, BLAKE, LUPARDO, ABBATE, SIMANOWITZ, CRESPO, GOTTFRIED, COOK, LAWRENCE, OAKS, RAIA -- Multi-Sponsored by -- M. of A. CROUCH, HOOPER, McLAUGHLIN, THIELE -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the real property tax law, in relation to certain exemptions for veterans

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (c) of subdivision 2 of section 458-a of the real
2 property tax law, as amended by chapter 100 of the laws of 1988, is
3 amended to read as follows:

4 (c) (i) In addition to the exemptions provided by paragraphs (a) and
5 (b) of this subdivision, where the veteran received a compensation
6 rating from the United States veteran's administration or from the
7 United States department of defense because of a service connected disa-
8 bility, qualifying residential real property shall be exempt from taxa-
9 tion to the extent of the product of the assessed value of such property
10 multiplied by fifty percent of the veteran's disability rating;
11 provided, however, that such exemption shall not exceed forty thousand
12 dollars or the product of forty thousand dollars multiplied by the
13 latest state equalization rate for the assessing unit, or in the case of
14 a special assessing unit, the latest class ratio, whichever is less. For
15 purposes of this paragraph, where a person who served in the active
16 military, naval or air service during a period of war died in service of
17 a service connected disability, such person shall be deemed to have been
18 assigned a compensation rating of one hundred percent.

19 (ii) A county, city, town, village or school district may, after a
20 public hearing, adopt a local law or resolution to allow a veteran who
21 has filed for disability compensation pursuant to 38 U.S.C. 1110 et seq
22 and is waiting for a final determination from the U.S. Department of
23 Veterans Affairs, to apply for the additional disabled exemption after

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

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1 the last date for filing such exemption. The veteran shall provide the
2 assessor with documentation, including but not limited to, a pending
3 acceptance letter. Such veteran shall be deemed to have lowest compen-
4 sation rating until final determination. Once the veteran has received
5 such determination, he or she shall file this information with the
6 assessor. If the determination indicates that the veteran received one
7 or more exemptions in an amount or amounts inconsistent with his or her
8 eligibility, the assessor shall recalculate all applicable exemptions
9 accordingly and the difference between the applied exempt amount and the
10 recalculated exemption amount for each affected roll shall be deemed a
11 "clerical error," as defined in subdivision two of section five hundred
12 fifty-four of this chapter, and shall be corrected accordingly pursuant
13 to title three of article five of this chapter.

14 § 2. This act shall take effect on the ninetieth day after it shall
15 have become a law.