

STATE OF NEW YORK

9866

IN ASSEMBLY

February 15, 2018

Introduced by M. of A. GALEF -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to municipal corporations within counties having a population of nine hundred forty-five thousand or more

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

1 Section 1. Paragraph (a) of subdivision 3 of section 467 of the real
2 property tax law, as separately amended by chapters 131 and 279 of the
3 laws of 2017, is amended to read as follows:

4 (a) if the income of the owner or the combined income of the owners of
5 the property for the income tax year immediately preceding the date of
6 making application for exemption exceeds the sum of three thousand
7 dollars, or such other sum not less than three thousand dollars nor more
8 than twenty-six thousand dollars beginning July first, two thousand six,
9 twenty-seven thousand dollars beginning July first, two thousand seven,
10 twenty-eight thousand dollars beginning July first, two thousand eight,
11 twenty-nine thousand dollars beginning July first, two thousand nine,
12 [~~and~~] in a city with a population of one million or more fifty thousand
13 dollars beginning July first, two thousand seventeen, and in a municipal
14 corporation within a county with a population of nine hundred forty-five
15 thousand or more, according to the last decennial census, fifty thousand
16 dollars beginning July first, two thousand eighteen, as may be provided
17 by the local law, ordinance or resolution adopted pursuant to this
18 section. Income tax year shall mean the twelve month period for which
19 the owner or owners filed a federal personal income tax return, or if no
20 such return is filed, the calendar year. Where title is vested in either
21 the husband or the wife, their combined income may not exceed such sum,
22 except where the husband or wife, or ex-husband or ex-wife is absent
23 from the property as provided in subparagraph (ii) of paragraph (d) of
24 this subdivision, then only the income of the spouse or ex-spouse resid-
25 ing on the property shall be considered and may not exceed such sum.
26 Such income shall include social security and retirement benefits,
27 interest, dividends, total gain from the sale or exchange of a capital

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

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1 asset which may be offset by a loss from the sale or exchange of a capi-
2 tal asset in the same income tax year, net rental income, salary or
3 earnings, and net income from self-employment, but shall not include a
4 return of capital, gifts, inheritances, payments made to individuals
5 because of their status as victims of Nazi persecution, as defined in
6 P.L. 103-286 or monies earned through employment in the federal foster
7 grandparent program and any such income shall be offset by all medical
8 and prescription drug expenses actually paid which were not reimbursed
9 or paid for by insurance, if the governing board of a municipality,
10 after a public hearing, adopts a local law, ordinance or resolution
11 providing therefor. In addition, an exchange of an annuity for an annui-
12 ty contract, which resulted in non-taxable gain, as determined in
13 section one thousand thirty-five of the internal revenue code, shall be
14 excluded from such income. Provided that such exclusion shall be based
15 on satisfactory proof that such an exchange was solely an exchange of an
16 annuity for an annuity contract that resulted in a non-taxable transfer
17 determined by such section of the internal revenue code. Furthermore,
18 such income shall not include the proceeds of a reverse mortgage, as
19 authorized by section six-h of the banking law, and sections two hundred
20 eighty and two hundred eighty-a of the real property law; provided,
21 however, that monies used to repay a reverse mortgage may not be
22 deducted from income, and provided additionally that any interest or
23 dividends realized from the investment of reverse mortgage proceeds
24 shall be considered income. The provisions of this paragraph notwith-
25 standing, such income shall not include veterans disability compen-
26 sation, as defined in Title 38 of the United States Code provided the
27 governing board of such municipality, after public hearing, adopts a
28 local law, ordinance or resolution providing therefor. In computing net
29 rental income and net income from self-employment no depreciation
30 deduction shall be allowed for the exhaustion, wear and tear of real or
31 personal property held for the production of income;
32 § 2. This act shall take effect immediately.