

STATE OF NEW YORK

6836

2017-2018 Regular Sessions

IN SENATE

July 19, 2017

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the real property tax law, in relation to increasing the allowable maximum income of certain persons otherwise eligible for tax abatement in certain cases

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 amended by chapter 259 of the laws of 2009, is
3 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 ~~[and]~~ twenty-nine thousand dollars beginning July first, two thousand
12 nine, and fifty thousand dollars beginning July first, two thousand
13 seventeen, as may be provided by the local law, ordinance or resolution
14 adopted pursuant to this section. Income tax year shall mean the twelve
15 month period for which the owner or owners filed a federal personal
16 income tax return, or if no such return is filed, the calendar year.
17 Where title is vested in either the husband or the wife, their combined
18 income may not exceed such sum, except where the husband or wife, or
19 ex-husband or ex-wife is absent from the property as provided in subparagraph
20 (ii) of paragraph (d) of this subdivision, then only the income
21 of the spouse or ex-spouse residing on the property shall be considered
22 and may not exceed such sum. Such income shall include social security
23 and retirement benefits, interest, dividends, total gain from the sale
24 or exchange of a capital asset which may be offset by a loss from the

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

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1 sale or exchange of a capital asset in the same income tax year, net
2 rental income, salary or earnings, and net income from self-employment,
3 but shall not include a return of capital, gifts, inheritances, payments
4 made to individuals because of their status as victims of Nazi perse-
5 cution, as defined in P.L. 103-286 or monies earned through employment
6 in the federal foster grandparent program and any such income shall be
7 offset by all medical and prescription drug expenses actually paid which
8 were not reimbursed or paid for by insurance, if the governing board of
9 a municipality, after a public hearing, adopts a local law, ordinance or
10 resolution providing therefor. Furthermore, such income shall not
11 include the proceeds of a reverse mortgage, as authorized by section
12 six-h of the banking law, and sections two hundred eighty and two
13 hundred eighty-a of the real property law; provided, however, that
14 monies used to repay a reverse mortgage may not be deducted from income,
15 and provided additionally that any interest or dividends realized from
16 the investment of reverse mortgage proceeds shall be considered income.
17 The provisions of this paragraph notwithstanding, such income shall not
18 include veterans disability compensation, as defined in Title 38 of the
19 United States Code provided the governing board of such municipality,
20 after public hearing, adopts a local law, ordinance or resolution
21 providing therefor. In computing net rental income and net income from
22 self-employment no depreciation deduction shall be allowed for the
23 exhaustion, wear and tear of real or personal property held for the
24 production of income;

25 § 2. Paragraph (a) of subdivision 5 of section 459-c of the real prop-
26 erty tax law, as separately amended by chapters 187 and 252 of the laws
27 of 2006, is amended to read as follows:

28 (a) if the income of the owner or the combined income of the owners of
29 the property for the income tax year immediately preceding the date of
30 making application for exemption exceeds the sum of three thousand
31 dollars, or such other sum not less than three thousand dollars nor more
32 than twenty-six thousand dollars beginning July first, two thousand six,
33 twenty-seven thousand dollars beginning July first, two thousand seven,
34 twenty-eight thousand dollars beginning July first, two thousand eight,
35 ~~and~~ twenty-nine thousand dollars beginning July first, two thousand
36 nine, and fifty thousand dollars beginning July first, two thousand
37 seventeen, as may be provided by the local law or resolution adopted
38 pursuant to this section. Income tax year shall mean the twelve month
39 period for which the owner or owners filed a federal personal income tax
40 return, or if no such return is filed, the calendar year. Where title is
41 vested in either the husband or the wife, their combined income may not
42 exceed such sum, except where the husband or wife, or ex-husband or
43 ex-wife is absent from the property due to divorce, legal separation or
44 abandonment, then only the income of the spouse or ex-spouse residing on
45 the property shall be considered and may not exceed such sum. Such
46 income shall include social security and retirement benefits, interest,
47 dividends, total gain from the sale or exchange of a capital asset which
48 may be offset by a loss from the sale or exchange of a capital asset in
49 the same income tax year, net rental income, salary or earnings, and net
50 income from self-employment, but shall not include a return of capital,
51 gifts, inheritances or monies earned through employment in the federal
52 foster grandparent program and any such income shall be offset by all
53 medical and prescription drug expenses actually paid which were not
54 reimbursed or paid for by insurance, if the governing board of a munici-
55 pality, after a public hearing, adopts a local law or resolution provid-
56 ing therefor. In computing net rental income and net income from self-

1 employment no depreciation deduction shall be allowed for the
2 exhaustion, wear and tear of real or personal property held for the
3 production of income;
4 § 3. This act shall take effect immediately and shall apply to appli-
5 cations made for an exemption pursuant to this act for the fiscal year
6 commencing in 2018 and all fiscal years thereafter. Applications
7 received for the fiscal year commencing in 2018 shall be considered
8 timely if they are filed on or before the one hundred twentieth day
9 following the effective date of the local law implementing the
10 provisions of this act.