

# STATE OF NEW YORK

10062

## IN ASSEMBLY

March 6, 2020

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

AN ACT to amend the real property tax law, in relation to excluding from the income calculation, certain travel expenses incurred by military veterans attending medical appointments and/or treatment for the persons sixty-five years of age or over real property tax exemption

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, as may be provided  
14 by the local law, ordinance or resolution adopted pursuant to this  
15 section. Income tax year shall mean the twelve month period for which  
16 the owner or owners filed a federal personal income tax return, or if no  
17 such return is filed, the calendar year. Where title is vested in either  
18 the husband or the wife, their combined income may not exceed such sum,  
19 except where the husband or wife, or ex-husband or ex-wife is absent  
20 from the property as provided in subparagraph (ii) of paragraph (d) of  
21 this subdivision, then only the income of the spouse or ex-spouse resid-  
22 ing on the property shall be considered and may not exceed such sum.  
23 Such income shall include social security and retirement benefits,  
24 interest, dividends, total gain from the sale or exchange of a capital  
25 asset which may be offset by a loss from the sale or exchange of a capi-  
26 tal asset in the same income tax year, net rental income, salary or

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

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