

1605

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

---

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

AN ACT to amend the real property tax law, in relation to the real prop-  
erty school tax exemption granted to persons sixty-five years of age  
or over

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 186 of the laws of 2006, 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 EITHER OF the TWO income tax [year] YEARS immediately  
6     preceding the date of making application for exemption exceeds the sum  
7     of three thousand dollars, or such other sum not less than three thou-  
8     sand dollars nor more than twenty-six thousand dollars beginning July  
9     first, two thousand six, twenty-seven thousand dollars beginning July  
10    first, two thousand seven, twenty-eight thousand dollars beginning July  
11    first, two thousand eight, and twenty-nine thousand dollars beginning  
12    July first, two thousand nine, as may be provided by the local law,  
13    ordinance or resolution adopted pursuant to this section. [Income] TWO  
14    INCOME tax [year] YEARS shall mean the [twelve] TWENTY-FOUR month period  
15    for which the owner or owners filed a federal personal income tax  
16    return, or if no such return is filed, the calendar year. Where title  
17    is vested in either the husband or the wife, their combined income may  
18    not exceed such sum, except where the husband or wife, or ex-husband or  
19    ex-wife is absent from the property as provided in subparagraph (ii) of  
20    paragraph (d) of this subdivision, then only the income of the spouse or  
21    ex-spouse residing on the property shall be considered and may not  
22    exceed such sum. Such income shall include social security and retire-  
23    ment benefits, interest, dividends, total gain from the sale or exchange

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

LBD02377-01-9

1 of a capital asset which may be offset by a loss from the sale or  
2 exchange of a capital asset in the same income tax year, net rental  
3 income, salary or earnings, and net income from self-employment, but  
4 shall not include a return of capital, gifts, inheritances, payments  
5 made to individuals because of their status as victims of Nazi perse-  
6 cution, as defined in P.L. 103-286 or monies earned through employment  
7 in the federal foster grandparent program and any such income shall be  
8 offset by all medical and prescription drug expenses actually paid which  
9 were not reimbursed or paid for by insurance, if the governing board of  
10 a municipality, after a public hearing, adopts a local law, ordinance or  
11 resolution providing therefor. The provisions of this paragraph  
12 notwithstanding, such income shall not include veterans disability  
13 compensation, as defined in Title 38 of the United States Code provided  
14 the governing board of such municipality, after public hearing, adopts a  
15 local law, ordinance or resolution providing therefor. In computing net  
16 rental income and net income from self-employment no depreciation  
17 deduction shall be allowed for the exhaustion, wear and tear of real or  
18 personal property held for the production of income;  
19 S 2. This act shall take effect immediately.