S T A T E  O F  N E W  Y O R K

1661

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CALHOUN -- read once and referred to the Committee on Real Property Taxation

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 5-a of section 467 of the real property tax law, as added by chapter 769 of the laws of 1992, is amended to read as follows:

5-a. Any local law or ordinance adopted pursuant to paragraph (a) of subdivision one of this section may be amended, or a local law or ordinance may be adopted to provide, notwithstanding subdivision five of this section, that an application for such exemption may be filed with the assessor after the appropriate taxable status date [but]. IF THE APPLICATION IS FILED not later than the last date on which a petition with respect to complaints of assessment may be filed, [where failure to file a timely application resulted from: (a) a death of the applicant's spouse, child, parent, brother or sister; or (b) an illness of the applicant or of the applicant's spouse, child, parent, brother or sister, which actually prevents the applicant from filing on a timely basis, as certified by a licensed physician. The] THE assessor shall approve or deny such application as if it had been filed on or before the taxable status date. IF THE APPLICATION IS FILED AFTER SUCH DATE AND THE ASSESSOR DETERMINES THAT THE APPLICANT MEETS ALL ELIGIBILITY STANDARDS OTHERWISE PRESCRIBED PURSUANT TO THIS SECTION, THE APPLICANT SHALL BE ENTITLED TO A CREDIT TO BE APPLIED AGAINST THE TAXES LEVIED BY EACH MUNICIPAL CORPORATION WHICH LEVIES TAXES ON THE PROPERTY EQUAL TO THE AMOUNT WHICH WOULD OTHERWISE HAVE BEEN RECEIVED BY THE APPLICANT IF THE APPLICATION WERE FILED IN A TIMELY MANNER. SUCH CREDIT SHALL BE APPLIED IN THE NEXT FISCAL YEAR.

S 2. This act shall take effect immediately and shall be applicable to assessment rolls prepared on the basis of a taxable status date following the effective date of this act.

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

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