

3928

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 29, 2009

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Introduced by M. of A. RAIA, ALFANO, BARRA, CONTE, KOLB, WALKER --  
Multi-Sponsored by -- M. of A. BACALLES, BARCLAY, BURLING, BUTLER,  
ERRIGO, FINCH, FITZPATRICK, GIGLIO, McDONOUGH, McKEVITT, OAKS, O'MARA,  
SAYWARD, TEDISCO, THIELE, TOWNSEND -- read once and referred to the  
Committee on Veterans' Affairs

AN ACT to amend the real property tax law, in relation to the veteran's  
alternative exemption

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

1     Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 2 of  
2     section 458-a of the real property tax law, paragraph (a) as amended by  
3     chapter 899 of the laws of 1985, paragraph (b) as amended by chapter 473  
4     of the laws of 2004, paragraph (c) as amended by chapter 100 of the laws  
5     of 1988, paragraph (d) as added by chapter 525 of the laws of 1984, and  
6     subparagraph (ii) of paragraph (d) as amended by chapter 256 of the laws  
7     of 2005, are amended to read as follows:  
8     (a) Qualifying residential real property shall be exempt from taxation  
9     to the extent of fifteen percent of the assessed value of such property;  
10    provided, however, that such exemption shall not exceed [twelve] FIFTEEN  
11    thousand dollars or the product of [twelve] FIFTEEN thousand dollars  
12    multiplied by the latest state equalization rate for the assessing unit,  
13    or in the case of a special assessing unit, the latest class ratio,  
14    whichever is less.  
15    (b) In addition to the exemption provided by paragraph (a) of this  
16    subdivision, where the veteran served in a combat theatre or combat zone  
17    of operations, as documented by the award of a United States campaign  
18    ribbon or service medal, or the armed forces expeditionary medal, navy  
19    expeditionary medal, marine corps expeditionary medal, or global war on  
20    terrorism expeditionary medal, qualifying residential real property also  
21    shall be exempt from taxation to the extent of ten percent of the  
22    assessed value of such property; provided, however, that such exemption

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

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1 shall not exceed [eight] TEN thousand dollars or the product of [eight]  
2 TEN thousand dollars multiplied by the latest state equalization rate  
3 for the assessing unit, or in the case of a special assessing unit, the  
4 class ratio, whichever is less.

5 (c) In addition to the exemptions provided by paragraphs (a) and (b)  
6 of this subdivision, where the veteran received a compensation rating  
7 from the United States veteran's administration or from the United  
8 States department of defense because of a service connected disability,  
9 qualifying residential real property shall be exempt from taxation to  
10 the extent of the product of the assessed value of such property multi-  
11 plied by fifty percent of the veteran's disability rating; provided,  
12 however, that such exemption shall not exceed [forty] FIFTY thousand  
13 dollars or the product of [forty] FIFTY thousand dollars multiplied by  
14 the latest state equalization rate for the assessing unit, or in the  
15 case of a special assessing unit, the latest class ratio, whichever is  
16 less. For purposes of this paragraph, where a person who served in the  
17 active military, naval or air service during a period of war died in  
18 service of a service connected disability, such person shall be deemed  
19 to have been assigned a compensation rating of one hundred percent.

20 (d) Limitations. (i) The exemption from taxation provided by this  
21 subdivision shall be applicable to county, city, town and village taxa-  
22 tion, but shall not be applicable to taxes levied for school purposes.

23 (ii) Each county, city, town or village may adopt a local law to  
24 reduce the maximum exemption allowable in paragraphs (a), (b) and (c) of  
25 this subdivision to TWELVE THOUSAND DOLLARS, EIGHT THOUSAND DOLLARS AND  
26 FORTY THOUSAND DOLLARS, RESPECTIVELY OR nine thousand dollars, six thou-  
27 sand dollars and thirty thousand dollars, respectively, or six thousand  
28 dollars, four thousand dollars and twenty thousand dollars, respective-  
29 ly. Each county, city, town, or village is also authorized to adopt a  
30 local law to increase the maximum exemption allowable in paragraphs (a),  
31 (b) and (c) of this subdivision to fifteen thousand dollars, ten thou-  
32 sand dollars and fifty thousand dollars, respectively; eighteen thousand  
33 dollars, twelve thousand dollars and sixty thousand dollars, respective-  
34 ly; twenty-one thousand dollars, fourteen thousand dollars, and seventy  
35 thousand dollars, respectively; twenty-four thousand dollars, sixteen  
36 thousand dollars, and eighty thousand dollars, respectively; twenty-sev-  
37 en thousand dollars, eighteen thousand dollars, and ninety thousand  
38 dollars, respectively; thirty thousand dollars, twenty thousand dollars,  
39 and one hundred thousand dollars, respectively; thirty-three thousand  
40 dollars, twenty-two thousand dollars, and one hundred ten thousand  
41 dollars, respectively; thirty-six thousand dollars, twenty-four thousand  
42 dollars, and one hundred twenty thousand dollars, respectively. In addi-  
43 tion, a county, city, town or village which is a "high-appreciation  
44 municipality" as defined in this subparagraph is authorized to adopt a  
45 local law to increase the maximum exemption allowable in paragraphs (a),  
46 (b) and (c) of this subdivision to thirty-nine thousand dollars, twen-  
47 ty-six thousand dollars, and one hundred thirty thousand dollars,  
48 respectively; forty-two thousand dollars, twenty-eight thousand dollars,  
49 and one hundred forty thousand dollars, respectively; forty-five thou-  
50 sand dollars, thirty thousand dollars and one hundred fifty thousand  
51 dollars, respectively; forty-eight thousand dollars, thirty-two thousand  
52 dollars and one hundred sixty thousand dollars, respectively; fifty-one  
53 thousand dollars, thirty-four thousand dollars and one hundred seventy  
54 thousand dollars, respectively; fifty-four thousand dollars, thirty-six  
55 thousand dollars and one hundred eighty thousand dollars, respectively.  
56 For purposes of this subparagraph, a "high-appreciation municipality"

1 means: (A) a special assessing unit that is a city, (B) a county for  
2 which the state board has established a sales price differential factor  
3 for purposes of the STAR exemption authorized by section four hundred  
4 twenty-five of this title in three consecutive years, and (C) a city,  
5 town or village which is wholly or partly located within such a county.  
6 S 2. This act shall take effect immediately and shall apply to taxes  
7 levied on assessment rolls completed on and after July 1, 2002.