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2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. HAYES, ALFANO, BARCLAY, BARRA, FINCH, RAIA, SAYWARD, WALKER -- Multi-Sponsored by -- M. of A. ERRIGO, GIGLIO, HAWLEY, KOLB, MOLINARO -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to capping real property assessments for persons seventy years of age or more

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

1 Section 1. The real property tax law is amended by adding a new
2 section 467-g to read as follows:

3 S 467-G. EXEMPTION FOR HOMEOWNERS SEVENTY YEARS OF AGE AND OLDER. 1.
4 REAL PROPERTY OWNED IN WHOLE OR IN PART BY A PERSON SEVENTY YEARS OF AGE
5 OR OLDER MAY, UPON APPLICATION THEREFOR, HAVE THE ASSESSMENT CAPPED AT
6 THE FIGURE USED IN THE YEAR PRIOR TO THE YEAR IN WHICH THIS SECTION
7 TAKES EFFECT OR IN THE YEAR PRIOR TO THE YEAR IN WHICH SUCH OWNERSHIP
8 INTEREST IS ACQUIRED, WHICHEVER YEAR IS LATER IN TIME. APPLICATION SHALL
9 BE MADE TO THE APPROPRIATE LOCAL ASSESSOR'S OFFICE UPON FORMS PROVIDED
10 BY SUCH ASSESSOR. AS USED IN THIS SECTION, THE PHRASE "IN WHOLE OR IN
11 PART" SHALL BE LIMITED TO AT LEAST AN UNDIVIDED FIFTY PERCENT INTEREST.
12 THE PROVISIONS OF THIS SECTION ARE LIMITED TO PERSONS SEVENTY YEARS OF
13 AGE OR OLDER WITH AN ANNUAL INCOME OF ONE HUNDRED THOUSAND DOLLARS OR
14 LESS. THIS SECTION SHALL ONLY APPLY IF THE INDIVIDUAL OR BODY THAT
15 SELECTS THE ASSESSOR SHALL ADOPT ITS APPLICATION.

16 2. A. IF THIS EXEMPTION IS ADOPTED, THE LOCAL ASSESSOR SHALL NOTIFY,
17 OR CAUSE TO BE NOTIFIED, EACH PERSON OWNING RESIDENTIAL REAL PROPERTY IN
18 THE JURISDICTION OF THE PROVISIONS OF THIS SECTION. THE PROVISIONS OF
19 THIS SUBDIVISION MAY BE MET BY A NOTICE SENT TO SUCH PERSONS IN SUBSTAN-
20 TIALY THE FOLLOWING FORM: "RESIDENTIAL REAL PROPERTY MAY QUALIFY FOR A
21 PARTIAL EXEMPTION FROM TAXES. TO RECEIVE SUCH EXEMPTION, QUALIFYING
22 OWNERS MUST FILE AN APPLICATION WITH THEIR LOCAL ASSESSOR ON OR BEFORE

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

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1 THE APPLICABLE TAXABLE STATUS DATE. FOR FURTHER INFORMATION, PLEASE
2 CONTACT YOUR LOCAL ASSESSOR."

3 B. IN THE CASE OF A PARCEL WHICH WAS GRANTED THIS EXEMPTION ON THE
4 PRECEDING ASSESSMENT ROLL, THE ASSESSOR SHALL CAUSE A NOTICE, PREFERABLY
5 ON A POSTCARD, TO BE MAILED TO THE OWNER OR OWNERS ANNUALLY, AT LEAST
6 SIXTY DAYS BEFORE THE APPROPRIATE TAXABLE STATUS DATE. EACH SUCH NOTICE
7 SHALL BE MAILED WITHOUT RESTRICTIONS UPON FORWARDING OR DELIVERY, AND
8 SHALL CONTAIN, IN LANGUAGE PRESCRIBED BY THE STATE BOARD:

9 (I) THE INCOME STANDARD FOR THE APPLICABLE INCOME TAX YEAR;

10 (II) A STATEMENT TO THE EFFECT THAT RECIPIENTS ARE NOT REQUIRED TO
11 SUBMIT INCOME TAX RETURNS OR OTHER INCOME DOCUMENTATION TO THE ASSESSOR
12 EACH YEAR, AS LONG AS THE STATE DEPARTMENT OF TAXATION AND FINANCE IS
13 ABLE TO VERIFY THEIR INCOME ELIGIBILITY;

14 (III) A STATEMENT TO THE EFFECT THAT TO CONTINUE RECEIVING THE
15 EXEMPTION, THEY MUST CONTINUE TO SATISFY THE APPLICABLE RESIDENCY AND
16 OWNERSHIP REQUIREMENTS, FOLLOWED BY A SUMMARY OF THOSE REQUIREMENTS;

17 (IV) A STATEMENT TO THE EFFECT THAT THEY ARE REQUESTED TO NOTIFY THE
18 ASSESSOR BY TAXABLE STATUS DATE IF THE PROPERTY IS NO LONGER THEIR
19 PRIMARY RESIDENCE, OR IF THERE HAS BEEN ANY CHANGE IN THE OWNERSHIP OF
20 THE PROPERTY; AND

21 (V) A STATEMENT TO THE EFFECT THAT IF THERE HAS BEEN NO CHANGE IN
22 THEIR PRIMARY RESIDENCE OR IN THE OWNERSHIP OF THE PROPERTY, AND THEY
23 EXPECT THE STATE DEPARTMENT OF TAXATION AND FINANCE TO BE ABLE TO VERIFY
24 THEIR INCOME ELIGIBILITY FOR THE APPLICABLE INCOME TAX YEAR, THERE IS NO
25 REASON FOR THEM TO CONTACT THE ASSESSOR AT THIS TIME.

26 C. A SENIOR CITIZEN ELIGIBLE FOR THE EXEMPTION MAY REQUEST THAT A
27 NOTICE BE SENT TO AN ADULT THIRD PARTY. SUCH REQUEST SHALL BE MADE ON A
28 FORM PRESCRIBED BY THE STATE BOARD AND SHALL BE SUBMITTED TO THE ASSES-
29 SOR OF THE ASSESSING UNIT IN WHICH THE ELIGIBLE TAXPAYER RESIDES NO
30 LATER THAN SIXTY DAYS BEFORE THE FIRST TAXABLE STATUS DATE TO WHICH IT
31 IS TO APPLY. SUCH FORM SHALL PROVIDE A SECTION WHEREBY THE DESIGNATED
32 THIRD PARTY SHALL CONSENT TO SUCH DESIGNATION. SUCH REQUEST SHALL BE
33 EFFECTIVE UPON RECEIPT BY THE ASSESSOR. THE ASSESSOR SHALL MAINTAIN A
34 LIST OF ALL ELIGIBLE PROPERTY OWNERS WHO HAVE REQUESTED NOTICES PURSUANT
35 TO THIS PARAGRAPH.

36 S 2. This act shall take effect on the sixtieth day after it shall
37 have become a law.