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2009-2010 Regular Sessions

I N A S S E M B L Y

April 6, 2009

Introduced by M. of A. PAULIN, PHEFFER, COOK, DenDEKKER, SCHROEDER, STIRPE, ABBATE, CASTRO, COLTON, EDDINGTON, FIELDS, GABRYSZAK, GALEF, GUNTHER, HOOPER, JAFFEE, KOON, MARKEY, SPANO, TITONE, TOWNS -- Multi-Sponsored by -- M. of A. BRADLEY, CHRISTENSEN, DESTITO, HYER-SPENCER, LUPARDO, McENENY, MENG, WEISENBERG -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the real property tax law, in relation to increasing the tax exemption for Cold War veterans and cooperative apartments and property held in trust for the benefit of a veteran

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

1 Section 1. Paragraph (g) of subdivision 1 of section 458-b of the real
2 property tax law, as added by chapter 655 of the laws of 2007, is
3 amended to read as follows:
4 (g) ["Latest state equalization rate" means the latest final equaliza-
5 tion rate established by the state board pursuant to article twelve of
6 this chapter.] "LATEST STATE EQUALIZATION RATE" MEANS THE LATEST FINAL
7 STATE EQUALIZATION RATE OR SPECIAL EQUALIZATION RATE ESTABLISHED BY THE
8 STATE BOARD PURSUANT TO ARTICLE TWELVE OF THIS CHAPTER. THE STATE BOARD
9 SHALL ESTABLISH A SPECIAL EQUALIZATION RATE IF IT FINDS THAT THERE HAS
10 BEEN A MATERIAL CHANGE IN THE LEVEL OF ASSESSMENT SINCE THE ESTABLISH-
11 MENT OF THE LATEST STATE EQUALIZATION RATE, BUT IN NO EVENT SHALL SUCH
12 SPECIAL EQUALIZATION RATE EXCEED ONE HUNDRED. IN THE EVENT THAT THE
13 STATE EQUALIZATION RATE EXCEEDS ONE HUNDRED, THEN THE STATE EQUALIZATION
14 RATE SHALL BE ONE HUNDRED FOR THE PURPOSES OF THIS SECTION. WHERE A
15 SPECIAL EQUALIZATION RATE IS ESTABLISHED FOR PURPOSES OF THIS SECTION,
16 THE ASSESSOR IS DIRECTED AND AUTHORIZED TO RECOMPUTE THE COLD WAR VETER-
17 ANS EXEMPTION ON THE ASSESSMENT ROLL BY APPLYING SUCH SPECIAL EQUALIZA-
18 TION RATE INSTEAD OF THE LATEST STATE EQUALIZATION RATE APPLIED IN THE
19 PREVIOUS YEAR AND TO MAKE THE APPROPRIATE CORRECTIONS ON THE ASSESSMENT
20 ROLL, NOTWITHSTANDING THE FACT THAT SUCH ASSESSOR MAY RECEIVE THE

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

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1 SPECIAL EQUALIZATION RATE AFTER THE COMPLETION, VERIFICATION AND FILING
2 OF SUCH FINAL ASSESSMENT ROLL. IN THE EVENT THAT THE ASSESSOR DOES NOT
3 HAVE CUSTODY OF THE ROLL WHEN SUCH RECOMPUTATION IS ACCOMPLISHED, THE
4 ASSESSOR SHALL CERTIFY SUCH RECOMPUTATION TO THE LOCAL OFFICERS HAVING
5 CUSTODY AND CONTROL OF SUCH ROLL, AND SUCH LOCAL OFFICERS ARE HEREBY
6 DIRECTED AND AUTHORIZED TO ENTER THE RECOMPUTED COLD WAR VETERANS
7 EXEMPTION CERTIFIED BY THE ASSESSOR ON SUCH ROLL.

8 S 2. Subdivisions 2, 3, 4 and 4-a of section 458-b of the real prop-
9 erty tax law, subdivisions 2 and 3 as added by chapter 655 of the laws
10 of 2007 and subparagraph (iv) of paragraph (c) of subdivision 2 and
11 subdivision 4 as amended and subdivision 4-a as added by chapter 6 of
12 the laws of 2008, are amended to read as follows:

13 2. (a) Each county, city, town or village may adopt a local law to
14 provide that qualifying residential real property shall be exempt from
15 taxation to the extent of either: (i) ten percent of the assessed value
16 of such property; provided however, that such exemption shall not exceed
17 eight thousand dollars or the product of eight thousand dollars multi-
18 plied by the latest state equalization rate of the assessing unit, or,
19 in the case of a special assessing unit, the latest class ratio, which-
20 ever is less or; (ii) fifteen percent of the assessed value of such
21 property; provided however, that such exemption shall not exceed twelve
22 thousand dollars or the product of twelve thousand dollars multiplied by
23 the latest state equalization rate [of] FOR the assessing unit, or, in
24 the case of a special assessing unit, the latest class ratio, whichever
25 is less.

26 (b) In addition to the exemption provided by paragraph (a) of this
27 subdivision, where the Cold War veteran received a compensation rating
28 from the United States veterans affairs or from the United States
29 department of defense because of a service connected disability, quali-
30 fying residential real property shall be exempt from taxation to the
31 extent of the product of the assessed value of such property, multiplied
32 by fifty percent of the Cold War veteran disability rating; provided,
33 however, that such exemption shall not exceed forty thousand dollars, or
34 the product of forty thousand dollars multiplied by the latest state
35 equalization rate for the assessing unit, or, in the case of a special
36 assessing unit, the latest class ratio, whichever is less.

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

40 (ii) If a Cold War veteran receives the exemption under section four
41 hundred fifty-eight or four hundred fifty-eight-a of this title, the
42 Cold War veteran shall not be eligible to receive the exemption under
43 this section.

44 (iii) Each county, city, town, or village may adopt a local law to
45 reduce the maximum exemption allowable in subparagraphs (i) and (ii) of
46 paragraph (a) of this subdivision and the exemption allowable in para-
47 graph (b) of this subdivision to six thousand dollars, nine thousand
48 dollars and thirty thousand dollars, respectively or four thousand
49 dollars, six thousand dollars and twenty thousand dollars, respectively.

50 (iv) The exemption provided by paragraph (a) of this subdivision shall
51 be granted for a period of ten years. The commencement of such ten year
52 period shall be governed pursuant to this subparagraph. Where a quali-
53 fied owner owns qualifying residential real property on the effective
54 date of the local law providing for such exemption, such ten year period
55 shall be measured from the assessment roll prepared pursuant to the
56 first taxable status date occurring on or after the effective date of

1 the local law providing for such exemption. Where a qualified owner does
2 not own qualifying residential real property on the effective date of
3 the local law providing for such exemption, such ten year period shall
4 be measured from the assessment roll prepared pursuant to the first
5 taxable status date occurring at least sixty days after the date of
6 purchase of qualifying residential real property; provided, however,
7 that should the veteran apply for and be granted an exemption on the
8 assessment roll prepared pursuant to a taxable status date occurring
9 within sixty days after the date of purchase of residential real proper-
10 ty, such ten year period shall be measured from the first assessment
11 roll in which the exemption occurs. If, before the expiration of such
12 ten year period, such exempt property is sold and replaced with other
13 residential real property, such exemption may be granted pursuant to
14 this subdivision for the unexpired portion of the ten year exemption
15 period. EACH COUNTY, CITY, TOWN OR VILLAGE MAY ADOPT A LOCAL LAW TO
16 REDUCE THE MAXIMUM EXEMPTION ALLOWABLE IN PARAGRAPHS (A) AND (B) OF THIS
17 SUBDIVISION TO SIX THOUSAND DOLLARS, NINE THOUSAND DOLLARS AND THIRTY
18 THOUSAND DOLLARS, RESPECTIVELY, OR FOUR THOUSAND DOLLARS, SIX THOUSAND
19 DOLLARS AND TWENTY THOUSAND DOLLARS, RESPECTIVELY. EACH COUNTY, CITY,
20 TOWN, OR VILLAGE IS ALSO AUTHORIZED TO ADOPT A LOCAL LAW TO INCREASE THE
21 MAXIMUM EXEMPTION ALLOWABLE IN PARAGRAPHS (A) AND (B) OF THIS SUBDIVI-
22 SION TO TEN THOUSAND DOLLARS, FIFTEEN THOUSAND DOLLARS AND FIFTY THOU-
23 SAND DOLLARS, RESPECTIVELY; TWELVE THOUSAND DOLLARS, EIGHTEEN THOUSAND
24 DOLLARS AND SIXTY THOUSAND DOLLARS, RESPECTIVELY; FOURTEEN THOUSAND
25 DOLLARS, TWENTY-ONE THOUSAND DOLLARS AND SEVENTY THOUSAND DOLLARS,
26 RESPECTIVELY; SIXTEEN THOUSAND DOLLARS, TWENTY-FOUR THOUSAND DOLLARS AND
27 EIGHTY THOUSAND DOLLARS, RESPECTIVELY; EIGHTEEN THOUSAND DOLLARS, TWEN-
28 TY-SEVEN THOUSAND DOLLARS AND NINETY THOUSAND DOLLARS, RESPECTIVELY;
29 TWENTY THOUSAND DOLLARS, THIRTY THOUSAND DOLLARS AND ONE HUNDRED THOU-
30 SAND DOLLARS, RESPECTIVELY; TWENTY-TWO THOUSAND DOLLARS, THIRTY-THREE
31 THOUSAND DOLLARS AND ONE HUNDRED TEN THOUSAND DOLLARS, RESPECTIVELY;
32 TWENTY-FOUR THOUSAND DOLLARS, THIRTY-SIX THOUSAND DOLLARS AND ONE
33 HUNDRED TWENTY THOUSAND DOLLARS, RESPECTIVELY. IN ADDITION, A COUNTY,
34 CITY, TOWN OR VILLAGE WHICH IS A "HIGH-APPRECIATION MUNICIPALITY" AS
35 DEFINED IN THIS SUBPARAGRAPH IS AUTHORIZED TO ADOPT A LOCAL LAW TO
36 INCREASE THE MAXIMUM EXEMPTION ALLOWABLE IN PARAGRAPHS (A) AND (B) OF
37 THIS SUBDIVISION TO TWENTY-SIX THOUSAND DOLLARS, THIRTY-NINE THOUSAND
38 DOLLARS AND ONE HUNDRED THIRTY THOUSAND DOLLARS, RESPECTIVELY;
39 TWENTY-EIGHT THOUSAND DOLLARS, FORTY-TWO THOUSAND DOLLARS AND ONE
40 HUNDRED FORTY THOUSAND DOLLARS, RESPECTIVELY; THIRTY THOUSAND DOLLARS,
41 FORTY-FIVE THOUSAND DOLLARS AND ONE HUNDRED FIFTY THOUSAND DOLLARS,
42 RESPECTIVELY; THIRTY-TWO THOUSAND DOLLARS, FORTY-EIGHT THOUSAND DOLLARS
43 AND ONE HUNDRED SIXTY THOUSAND DOLLARS, RESPECTIVELY; THIRTY-FOUR THOU-
44 SAND DOLLARS, FIFTY-ONE THOUSAND DOLLARS AND ONE HUNDRED SEVENTY THOU-
45 SAND DOLLARS, RESPECTIVELY; THIRTY-SIX THOUSAND DOLLARS, FIFTY-FOUR
46 THOUSAND DOLLARS AND ONE HUNDRED EIGHTY THOUSAND DOLLARS, RESPECTIVELY.
47 FOR PURPOSES OF THIS SUBPARAGRAPH, A "HIGH-APPRECIATION MUNICIPALITY"
48 MEANS: (A) A SPECIAL ASSESSING UNIT THAT IS A CITY, (B) A COUNTY FOR
49 WHICH THE STATE BOARD HAS ESTABLISHED A SALES PRICE DIFFERENTIAL FACTOR
50 FOR PURPOSES OF THE STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED
51 TWENTY-FIVE OF THIS TITLE IN THREE CONSECUTIVE YEARS, AND (C) A CITY,
52 TOWN OR VILLAGE WHICH IS WHOLLY OR PARTLY LOCATED WITHIN SUCH A COUNTY.

53 3. [Notwithstanding the foregoing provisions of this section, no later
54 than ninety days before the taxable status date next occurring on or
55 after the thirty-first of December, two thousand seven, after a public
56 hearing, the governing body of any county, city, town, or village may

1 adopt a local law to provide that the exemption shall be granted pursu-
2 ant to this section for the purposes of taxes levied for such county,
3 city, town, or village. For the purposes of a county which is not an
4 assessing unit, the taxable status date occurring on or after December
5 thirty-first, two thousand seven shall mean the first such tax roll for
6 which the county taxes are levied.

7 4.] Application for exemption shall be made by the owner, or all of
8 the owners, of the property on a form prescribed by the state board. The
9 owner or owners shall file the completed form in the assessor's office
10 on or before the first appropriate taxable status date. The exemption
11 shall continue in full force and effect for all appropriate subsequent
12 tax years and the owner or owners of the property shall not be required
13 to refile each year. Applicants shall be required to refile on or before
14 the appropriate taxable status date if the percentage of disability
15 percentage increases or decreases or may refile if other changes have
16 occurred which affect qualification for an increased or decreased amount
17 of exemption. Any applicant convicted of willfully making any false
18 statement in the application for such exemption shall be subject to the
19 penalties prescribed in the penal law.

20 [4-a.] 4. Notwithstanding the provisions of this section or any other
21 provision of law, in a city having a population of one million or more,
22 applications for the exemption authorized pursuant to this section shall
23 be considered timely filed if they are filed on or before the fifteenth
24 day of March of the appropriate year.

25 S 3. Section 458-b of the real property tax law is amended by adding
26 three new subdivisions 6, 7 and 8 to read as follows:

27 6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
28 PROVISIONS OF THIS SECTION SHALL APPLY TO ANY REAL PROPERTY HELD IN
29 TRUST SOLELY FOR THE BENEFIT OF A PERSON OR PERSONS WHO WOULD OTHERWISE
30 BE ELIGIBLE FOR A REAL PROPERTY TAX EXEMPTION, PURSUANT TO THIS SECTION,
31 WERE SUCH PERSON OR PERSONS THE OWNER OR OWNERS OF SUCH REAL PROPERTY.

32 7. (A) FOR THE PURPOSES OF THIS SECTION, TITLE TO THE PORTION OF REAL
33 PROPERTY OWNED BY A COOPERATIVE APARTMENT CORPORATION IN WHICH A
34 TENANT-STOCKHOLDER OF SUCH CORPORATION RESIDES AND WHICH IS REPRESENTED
35 BY HIS OR HER SHARE OR SHARES OF STOCK IN SUCH CORPORATION AS DETERMINED
36 BY ITS OR THEIR PROPORTIONAL RELATIONSHIP TO THE TOTAL OUTSTANDING STOCK
37 OF THE CORPORATION, INCLUDING THAT OWNED BY THE CORPORATION, SHALL BE
38 DEEMED TO BE VESTED IN SUCH TENANT-STOCKHOLDER.

39 (B) PROVIDED THAT ALL OTHER ELIGIBILITY CRITERIA OF THIS SECTION ARE
40 MET, THAT PROPORTION OF THE ASSESSMENT OF SUCH REAL PROPERTY OWNED BY A
41 COOPERATIVE APARTMENT CORPORATION DETERMINED BY THE RELATIONSHIP OF SUCH
42 REAL PROPERTY VESTED IN SUCH TENANT-STOCKHOLDER TO SUCH REAL PROPERTY
43 OWNED BY SUCH COOPERATIVE APARTMENT CORPORATION IN WHICH SUCH
44 TENANT-STOCKHOLDER RESIDES SHALL BE SUBJECT TO EXEMPTION FROM TAXATION
45 PURSUANT TO THIS SECTION AND ANY EXEMPTION SO GRANTED SHALL BE CREDITED
46 BY THE APPROPRIATE TAXING AUTHORITY AGAINST THE ASSESSED VALUATION OF
47 SUCH REAL PROPERTY; THE REDUCTION IN REAL PROPERTY TAXES REALIZED THERE-
48 BY SHALL BE CREDITED BY THE COOPERATIVE APARTMENT CORPORATION AGAINST
49 THE AMOUNT OF SUCH TAXES OTHERWISE PAYABLE BY OR CHARGEABLE TO SUCH
50 TENANT-STOCKHOLDER.

51 (C) NOTWITHSTANDING PARAGRAPH (B) OF THIS SUBDIVISION, A
52 TENANT-STOCK-HOLDER WHO RESIDES IN A DWELLING THAT IS SUBJECT TO THE
53 PROVISIONS OF EITHER ARTICLE TWO, FOUR, FIVE OR ELEVEN OF THE PRIVATE
54 HOUSING FINANCE LAW SHALL NOT BE ELIGIBLE FOR AN EXEMPTION PURSUANT TO
55 THIS SECTION.

(D) NOTWITHSTANDING PARAGRAPH (B) OF THIS SUBDIVISION, REAL PROPERTY OWNED BY A COOPERATIVE CORPORATION MAY BE EXEMPT FROM TAXATION PURSUANT TO THIS SECTION BY A MUNICIPALITY IN WHICH SUCH PROPERTY IS LOCATED ONLY IF THE GOVERNING BODY OF SUCH MUNICIPALITY, AFTER PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THEREFOR.

8. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT, ALTER OR IN ANY WAY IMPAIR ANY OTHER EXEMPTION OR BENEFIT AVAILABLE PURSUANT TO THIS CHAPTER.

S 4. This act shall take effect January 2, 2010, and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.