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

7422--A

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, ESPAILLAT -- Multi-Sponsored by -- M. of A. BRADLEY, CAHILL, CHRISTENSEN, DESTITO, HYER-SPENCER, LUPARDO, McENENY, MENG, WEISENBERG -- read once and referred to the Committee on Veterans' Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Paragraph (g) of subdivision 1 of section 458-b of the real property tax law, as added by chapter 655 of the laws of 2007, is amended to read as follows:

(g) "Latest state equalization rate" means the latest final [equalization rate established by the state board pursuant to article twelve of this chapter.] STATE EQUALIZATION RATE OR SPECIAL EQUALIZATION RATE ESTABLISHED BY THE STATE BOARD PURSUANT TO ARTICLE TWELVE OF THIS CHAPTER. THE STATE BOARD SHALL ESTABLISH A SPECIAL EQUALIZATION RATE IF IT FINDS THAT THERE HAS BEEN A MATERIAL CHANGE IN THE LEVEL OF ASSESSMENT SINCE THE ESTABLISHMENT OF THE LATEST STATE EQUALIZATION RATE, BUT IN NO EVENT SHALL SUCH SPECIAL EQUALIZATION RATE EXCEED ONE HUNDRED. IN THE EVENT THAT THE STATE EQUALIZATION RATE EXCEEDS ONE HUNDRED, THEN THE STATE EQUALIZATION RATE SHALL BE ONE HUNDRED FOR THE PURPOSES OF THIS SECTION. WHERE A SPECIAL EQUALIZATION RATE IS ESTABLISHED FOR PURPOSES OF THIS SECTION, THE ASSESSOR IS DIRECTED AND AUTHORIZED TO RECOMPUTE THE COLD WAR VETERANS EXEMPTION ON THE ASSESSMENT ROLL BY APPLYING SUCH SPECIAL EQUALIZATION RATE INSTEAD OF THE LATEST STATE EQUALIZATION RATE APPLIED IN THE PREVIOUS YEAR AND TO MAKE THE APPROPRIATE CORRECTIONS ON

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

LBD09901-03-9

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

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

2. (a) Each county, city, town or village may adopt a local law to provide that qualifying residential real property shall be exempt from taxation to the extent of either: (i) ten percent of the assessed value of such property; provided however, that such exemption shall not exceed eight thousand dollars or the product of eight thousand dollars multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less or; (ii) fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate [of] FOR the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

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

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

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

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

(iv)] The exemption provided by paragraph (a) of this subdivision shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this subparagraph. Where a qualified owner owns qualifying residential real property on the effective date of the local law providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to

the first taxable status date occurring on or after the effective date of the local law providing for such exemption. Where a qualified owner does not own qualifying residential real property on the effective date of the local law providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this subdivision for the unexpired portion of the ten year exemption period. EACH COUNTY, CITY, TOWN OR VILLAGE MAY ADOPT A LOCAL LAW TO REDUCE THE MAXIMUM EXEMPTION ALLOWABLE IN PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION TO SIX THOUSAND DOLLARS, NINE THOUSAND DOLLARS AND THIRTY THOUSAND DOLLARS, RESPECTIVELY, OR FOUR THOUSAND DOLLARS, SIX THOUSAND DOLLARS AND TWENTY THOUSAND DOLLARS, RESPECTIVELY. EACH COUNTY, CITY, TOWN, OR VILLAGE IS ALSO AUTHORIZED TO ADOPT A LOCAL LAW TO INCREASE THE MAXIMUM EXEMPTION ALLOWABLE IN PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION TO TEN THOUSAND DOLLARS, FIFTEEN THOUSAND DOLLARS AND FIFTY THOUSAND DOLLARS, RESPECTIVELY; TWELVE THOUSAND DOLLARS, EIGHTEEN THOUSAND DOLLARS AND SIXTY THOUSAND DOLLARS, RESPECTIVELY; FOURTEEN THOUSAND DOLLARS, TWENTY-ONE THOUSAND DOLLARS AND SEVENTY THOUSAND DOLLARS, RESPECTIVELY; SIXTEEN THOUSAND DOLLARS, TWENTY-FOUR THOUSAND DOLLARS AND EIGHTY THOUSAND DOLLARS, RESPECTIVELY; EIGHTEEN THOUSAND DOLLARS, TWENTY-SEVEN THOUSAND DOLLARS AND NINETY THOUSAND DOLLARS, RESPECTIVELY; TWENTY THOUSAND DOLLARS, THIRTY THOUSAND DOLLARS AND ONE HUNDRED THOUSAND DOLLARS, RESPECTIVELY; TWENTY-TWO THOUSAND DOLLARS, THIRTY-THREE THOUSAND DOLLARS AND ONE HUNDRED TEN THOUSAND DOLLARS, RESPECTIVELY; TWENTY-FOUR THOUSAND DOLLARS, THIRTY-SIX THOUSAND DOLLARS AND ONE HUNDRED TWENTY THOUSAND DOLLARS, RESPECTIVELY. IN ADDITION, A COUNTY, CITY, TOWN OR VILLAGE WHICH IS A "HIGH-APPRECIATION MUNICIPALITY" AS DEFINED IN THIS SUBPARAGRAPH IS AUTHORIZED TO ADOPT A LOCAL LAW TO INCREASE THE MAXIMUM EXEMPTION ALLOWABLE IN PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION TO TWENTY-SIX THOUSAND DOLLARS, THIRTY-NINE THOUSAND DOLLARS AND ONE HUNDRED THIRTY THOUSAND DOLLARS, RESPECTIVELY; TWENTY-EIGHT THOUSAND DOLLARS, FORTY-TWO THOUSAND DOLLARS AND ONE HUNDRED FORTY THOUSAND DOLLARS, RESPECTIVELY; THIRTY THOUSAND DOLLARS, FORTY-FIVE THOUSAND DOLLARS AND ONE HUNDRED FIFTY THOUSAND DOLLARS, RESPECTIVELY; THIRTY-TWO THOUSAND DOLLARS, FORTY-EIGHT THOUSAND DOLLARS AND ONE HUNDRED SIXTY THOUSAND DOLLARS, RESPECTIVELY; THIRTY-FOUR THOUSAND DOLLARS, FIFTY-ONE THOUSAND DOLLARS AND ONE HUNDRED SEVENTY THOUSAND DOLLARS, RESPECTIVELY; THIRTY-SIX THOUSAND DOLLARS, FIFTY-FOUR THOUSAND DOLLARS AND ONE HUNDRED EIGHTY THOUSAND DOLLARS, RESPECTIVELY. FOR PURPOSES OF THIS SUBPARAGRAPH, A "HIGH-APPRECIATION MUNICIPALITY" MEANS: (A) A SPECIAL ASSESSING UNIT THAT IS A CITY, (B) A COUNTY FOR WHICH THE STATE BOARD HAS ESTABLISHED A SALES PRICE DIFFERENTIAL FACTOR FOR PURPOSES OF THE STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE IN THREE CONSECUTIVE YEARS, AND (C) A CITY, TOWN OR VILLAGE WHICH IS WHOLLY OR PARTLY LOCATED WITHIN SUCH A COUNTY.

3. [Notwithstanding the foregoing provisions of this section, no later than ninety days before the taxable status date next occurring on or after the thirty-first of December, two thousand seven, after a public

hearing, the governing body of any county, city, town, or village may adopt a local law to provide that the exemption shall be granted pursuant to this section for the purposes of taxes levied for such county, city, town, or village. For the purposes of a county which is not an assessing unit, the taxable status date occurring on or after December thirty-first, two thousand seven shall mean the first such tax roll for which the county taxes are levied.

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

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

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

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

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

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

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

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.