

8856

2009-2010 Regular Sessions

I N A S S E M B L Y

June 11, 2009

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

AN ACT to amend the real property tax law and the tax law, in relation to the "Middle Class STAR" rebate program; to amend the tax law, in relation to creating the middle class circuit breaker tax credit; and to amend the administrative code of the city of New York, in relation to an enhanced personal income tax credit in New York city

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 1306-b to read as follows:
3 S 1306-B. "MIDDLE CLASS STAR" REBATE PROGRAM. 1. TAX REBATES. (A) IF A
4 PARCEL IS ENTITLED TO THE BASIC OR ENHANCED STAR EXEMPTION AUTHORIZED BY
5 SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER FOR THE TWO THOUSAND
6 SIX--TWO THOUSAND SEVEN SCHOOL YEAR AND EACH YEAR THEREAFTER, EXCEPT AS
7 PROVIDED IN PARAGRAPH (G) OF SUBDIVISION THREE OF THIS SECTION, A LOCAL
8 PROPERTY TAX REBATE SHALL BE PROVIDED TO THE OWNER OR OWNERS OF SUCH
9 PARCEL AS SHOWN ON THE FINAL ASSESSMENT ROLL FOR SUCH YEAR, IN AN AMOUNT
10 COMPUTED AS PRESCRIBED BY THIS SECTION AND SECTION ONE HUNDRED SEVENTY-
11 EIGHT OF THE TAX LAW.
12 (B) IT SHALL BE THE RESPONSIBILITY OF THE STATE DEPARTMENT OF TAXATION
13 AND FINANCE TO ISSUE SUCH TAX REBATES TO SUCH OWNERS IN THE MANNER
14 PROVIDED BY SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW. NOTHING
15 CONTAINED HEREIN SHALL BE CONSTRUED AS PERMITTING PARTIAL OR INSTALLMENT
16 PAYMENTS OF TAXES IN A JURISDICTION WHICH HAS NOT AUTHORIZED THE SAME
17 PURSUANT TO LAW.
18 2. PROCEDURE. (A) ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND NINE AND
19 EACH YEAR THEREAFTER, THE EXECUTIVE DIRECTOR OF THE OFFICE OF REAL PROP-
20 ERTY SERVICES, OR HIS OR HER DESIGNEE, OR ON OR BEFORE JULY FIRST, TWO
21 THOUSAND NINE AND EACH YEAR THEREAFTER, IN THE CASE OF A CITY WITH A
22 POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF FINANCE, OR HIS

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

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1 OR HER DESIGNEE, SHALL PROVIDE TO THE COMMISSIONER OF TAXATION AND
2 FINANCE A REPORT IN A MUTUALLY AGREEABLE FORMAT CONCERNING THOSE PARCELS
3 WHICH HAVE BEEN GRANTED AN EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED
4 TWENTY-FIVE OF THIS CHAPTER ON THE ASSESSMENT ROLLS USED TO GENERATE THE
5 SCHOOL TAX BILLS FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL TAX
6 YEAR AND FOR EACH YEAR THEREAFTER; EXCEPT AS PROVIDED IN PARAGRAPH (G)
7 OF SUBDIVISION THREE OF THIS SECTION, PROVIDED HOWEVER THE INFORMATION
8 TO BE PROVIDED ON SUCH REPORT SHALL BE OBTAINED FROM THE FINAL ASSESS-
9 MENT ROLL DATA FILES USED TO GENERATE THE TWO THOUSAND NINE--TWO THOU-
10 SAND TEN SCHOOL TAX BILLS AND EACH YEAR THEREAFTER, FILED WITH THE STATE
11 BOARD PURSUANT TO SECTION FIFTEEN HUNDRED NINETY OF THIS CHAPTER ON OR
12 BEFORE JULY THIRTY-FIRST OF SUCH YEAR. SUCH REPORT SHALL SET FORTH THE
13 NAMES AND MAILING ADDRESSES OF THE OWNERS OF SUCH PARCELS AS SHOWN ON
14 SUCH ASSESSMENT ROLL DATA FILES, THE IDENTIFICATION NUMBERS OF SUCH
15 PARCELS AS SHOWN ON SUCH ASSESSMENT ROLL DATA FILES, AND SUCH OTHER
16 INFORMATION IN THE POSSESSION OF THE OFFICE OF REAL PROPERTY SERVICES,
17 OR IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE
18 COMMISSIONER OF FINANCE, AS THE COMMISSIONER OF TAXATION AND FINANCE MAY
19 DEEM NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THIS PROGRAM, INCLUD-
20 ING INFORMATION REGARDING COOPERATIVE APARTMENT BUILDINGS AND MOBILE
21 HOME PARKS OR SIMILAR PROPERTY. IT SHALL BE THE RESPONSIBILITY OF THE
22 ASSESSOR OR ASSESSORS OF EACH ASSESSING UNIT TO ENSURE THAT THE NAMES
23 AND MAILING ADDRESSES OF SUCH OWNERS ARE ACCURATELY RECORDED ON SUCH
24 ROLLS AND FILES TO THE BEST OF HIS OR HER ABILITY, BASED UPON THE INFOR-
25 MATION CONTAINED IN HIS OR HER OFFICE. NOTHING CONTAINED IN THIS SUBDI-
26 VISION SHALL BE CONSTRUED AS AFFECTING IN ANY WAY THE VALIDITY OR
27 ENFORCEABILITY OF A REAL PROPERTY TAX, OR THE APPLICABILITY OF INTEREST
28 OR PENALTIES WITH RESPECT THERETO, WHEN AN OWNER'S NAME OR MAILING
29 ADDRESS HAS NOT BEEN ACCURATELY RECORDED.

30 (B) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDI-
31 VISION, WHERE AN ASSESSING UNIT CONTAINS ONE OR MORE PROPERTIES WHICH
32 ARE RECEIVING SUCH EXEMPTION IN RELATION TO A PRIOR YEAR ASSESSMENT ROLL
33 PURSUANT TO PARAGRAPH (D) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED
34 TWENTY-FIVE OF THIS CHAPTER, OR CONTAINS ONE OR MORE PARCELS WITH
35 RESPECT TO WHICH SUCH EXEMPTION WAS DULY ADDED OR REMOVED AFTER THE
36 FILING OF THE FINAL ASSESSMENT ROLL PURSUANT TO THE PROVISIONS OF TITLE
37 THREE OF ARTICLE FIVE OF THIS CHAPTER, THE OFFICE OF REAL PROPERTY
38 SERVICES MAY REQUIRE THE ASSESSOR TO FILE WITH IT, ON OR BEFORE JULY
39 THIRTY-FIRST, TWO THOUSAND NINE AND EACH YEAR THEREAFTER, OR SUCH LATER
40 DATE AS SUCH OFFICE MAY SPECIFY, A SUPPLEMENTAL REPORT RELATING TO SUCH
41 PROPERTY OR PROPERTIES, SO THAT INFORMATION PERTAINING TO THE OWNERS
42 THEREOF MAY BE INCLUDED IN THE REPORT TO BE MADE TO THE COMMISSIONER OF
43 TAXATION AND FINANCE PURSUANT TO THIS PARAGRAPH. WHEN ANY INFORMATION
44 REQUIRED BY THIS PARAGRAPH IS RECEIVED BY THE OFFICE OF REAL PROPERTY
45 SERVICES AFTER JULY THIRTY-FIRST, TWO THOUSAND NINE AND EACH YEAR THERE-
46 AFTER, SUCH INFORMATION SHALL BE TRANSMITTED AS SOON AS REASONABLY PRAC-
47 TICABLE TO THE COMMISSIONER OF TAXATION AND FINANCE FOR USE IN ISSUING
48 LOCAL PROPERTY TAX REBATES PURSUANT TO SECTION ONE HUNDRED SEVENTY-EIGHT
49 OF THE TAX LAW.

50 (II) WHERE THE OWNERSHIP OF A PARCEL THAT HAD BEEN ELIGIBLE FOR A
51 REBATE PURSUANT TO THIS SECTION CHANGES OR AN EXEMPTION UNDER SECTION
52 FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER HAS BEEN GRANTED OR REMOVED,
53 THE ASSESSOR SHALL NOTIFY THE STATE BOARD OF THE CHANGE NO LATER THAN
54 AUGUST FIRST OF THE FOLLOWING YEAR. THE STATE BOARD SHALL FORWARD SUCH
55 REPORT TO THE DEPARTMENT OF TAXATION AND FINANCE IN A TIMELY MANNER AND
56 IN A MUTUALLY-AGREEABLE FORMAT.

1 3. (A) THE STATE BOARD SHALL CALCULATE THE REBATE BASE AS PROVIDED
2 HEREIN AND CERTIFY THE SAME TO THE DEPARTMENT OF TAXATION AND FINANCE NO
3 LATER THAN JULY FIRST, TWO THOUSAND NINE.

4 (B) THREE REBATE BASES FOR THE BASIC STAR EXEMPTION SHALL BE DETER-
5 MINED FOR EACH SEGMENT FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN AND
6 SUBSEQUENT SCHOOL YEARS. SUCH REBATE BASES SHALL BE COMPUTED BY DETER-
7 MINING THE EXEMPT AMOUNT ESTABLISHED FOR THE SEGMENT FOR PURPOSES OF THE
8 BASIC STAR EXEMPTION FOR THE TWO THOUSAND EIGHT--TWO THOUSAND NINE AND
9 SUBSEQUENT SCHOOL YEARS, MULTIPLYING THAT AMOUNT BY THE SCHOOL DISTRICT
10 TAX RATE APPLICABLE WITHIN THAT SEGMENT FOR PURPOSES OF THE TWO THOUSAND
11 EIGHT--TWO THOUSAND NINE AND SUBSEQUENT SCHOOL YEARS, AS REPORTED BY THE
12 SCHOOL DISTRICT. FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND
13 SUBSEQUENT SCHOOL YEARS, SUCH REBATE BASES SHALL BE COMPUTED BY MULTI-
14 PLYING THE PRODUCT BY THE FOLLOWING:

15 (I) FOR PURPOSES OF THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
16 YEAR AND THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR, BY
17 SIXTY PERCENT, FORTY-FIVE PERCENT AND THIRTY PERCENT, RESPECTIVELY. THE
18 RESULTS SHALL BE ASSOCIATED WITH THE FIRST, SECOND AND THIRD INCOME
19 BRACKETS, RESPECTIVELY, THAT ARE APPLICABLE WITHIN THAT SEGMENT.

20 (II) FOR PURPOSES OF THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN
21 SCHOOL YEAR, BY SEVENTY PERCENT, FIFTY-TWO AND ONE-HALF PERCENT AND
22 THIRTY-FIVE PERCENT, RESPECTIVELY. THE RESULTS SHALL BE ASSOCIATED WITH
23 THE FIRST, SECOND AND THIRD INCOME BRACKETS, RESPECTIVELY, THAT ARE
24 APPLICABLE WITHIN THAT SEGMENT.

25 (III) FOR PURPOSES OF THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN
26 AND SUBSEQUENT SCHOOL YEARS, BY EIGHTY PERCENT, SIXTY PERCENT AND FORTY
27 PERCENT, RESPECTIVELY. THE RESULTS SHALL BE ASSOCIATED WITH THE FIRST,
28 SECOND AND THIRD INCOME BRACKETS, RESPECTIVELY, THAT ARE APPLICABLE
29 WITHIN THAT SEGMENT.

30 (IV) INCOME BRACKETS. (A) IN THE CITY OF NEW YORK, AND THE COUNTIES OF
31 NASSAU, SUFFOLK, ROCKLAND, WESTCHESTER, PUTNAM, ORANGE AND DUTCHESS, THE
32 FIRST INCOME BRACKET SHALL BE UP TO AND INCLUDING ONE HUNDRED TWENTY
33 THOUSAND DOLLARS; THE SECOND INCOME BRACKET SHALL BE OVER ONE HUNDRED
34 TWENTY THOUSAND DOLLARS UP TO AND INCLUDING ONE HUNDRED SEVENTY-FIVE
35 THOUSAND DOLLARS; AND THE THIRD INCOME BRACKET SHALL BE OVER ONE HUNDRED
36 SEVENTY-FIVE THOUSAND DOLLARS UP TO AND INCLUDING TWO HUNDRED FIFTY
37 THOUSAND DOLLARS.

38 (B) IN ALL OTHER COUNTIES IN THE STATE, THE FIRST INCOME BRACKET SHALL
39 BE UP TO AND INCLUDING NINETY THOUSAND DOLLARS; THE SECOND INCOME BRACK-
40 ET SHALL BE OVER NINETY THOUSAND DOLLARS AND UP TO AND INCLUDING ONE
41 HUNDRED FIFTY THOUSAND DOLLARS; AND THE THIRD INCOME BRACKET SHALL BE
42 OVER ONE HUNDRED FIFTY THOUSAND DOLLARS AND UP TO AND INCLUDING TWO
43 HUNDRED FIFTY THOUSAND DOLLARS.

44 (C) SUCH BRACKETS ARE SUBJECT TO INDEXING FOR INFLATION PURSUANT TO
45 SUBDIVISION FIFTEEN OF SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW.

46 (C) ONE REBATE BASE FOR THE ENHANCED STAR EXEMPTION SHALL BE DETER-
47 MINED FOR EACH SEGMENT FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN AND
48 SUBSEQUENT SCHOOL YEARS. SUCH REBATE BASES SHALL BE COMPUTED BY DETER-
49 MINING THE EXEMPT AMOUNT ESTABLISHED FOR THE SEGMENT FOR PURPOSES OF THE
50 ENHANCED STAR EXEMPTION FOR THE TWO THOUSAND EIGHT--TWO THOUSAND NINE
51 SCHOOL YEAR. FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND SUBSE-
52 QUENT SCHOOL YEARS, SUCH REBATE BASES SHALL BE COMPUTED BY MULTIPLYING
53 THAT AMOUNT BY THE SCHOOL DISTRICT TAX RATE APPLICABLE WITHIN THAT
54 SEGMENT FOR PURPOSES OF THAT SCHOOL YEAR, AS REPORTED BY THE SCHOOL
55 DISTRICT, AND THEN MULTIPLYING THE PRODUCT BY THE FOLLOWING:

1 (I) FOR PURPOSES OF THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
2 YEAR, BY TWENTY-FIVE PERCENT.

3 (II) FOR PURPOSES OF THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND
4 SUBSEQUENT SCHOOL YEARS, BY THIRTY-FIVE PERCENT.

5 (D) FOR PURPOSES OF THIS SECTION, THE TERM "SEGMENT" MEANS THE PART OF
6 A CITY OR TOWN THAT IS WITHIN A SCHOOL DISTRICT.

7 (E) IN THE CASE OF SCHOOL DISTRICTS WITHIN SPECIAL ASSESSING UNITS AS
8 DEFINED IN SECTION EIGHTEEN HUNDRED ONE OF THIS CHAPTER, THE SCHOOL
9 DISTRICT TAX RATE TO BE USED FOR THIS PURPOSE SHALL BE THE TAX RATE
10 APPLICABLE TO CLASS ONE PROPERTIES AS DEFINED IN ARTICLE EIGHTEEN OF
11 THIS CHAPTER, AS REPORTED BY THE SCHOOL DISTRICT AND THE EXEMPT AMOUNT
12 SHALL BE ESTABLISHED FOR THE SEGMENT. IN THE CASE OF SCHOOL DISTRICTS
13 WITHIN APPROVED ASSESSING UNITS AS DEFINED IN SECTION NINETEEN HUNDRED
14 ONE OF THIS CHAPTER WHICH HAVE ADOPTED THE PROVISIONS OF SECTION NINE-
15 TEEN HUNDRED THREE OF THIS CHAPTER, THE SCHOOL DISTRICT TAX RATE TO BE
16 USED FOR THIS PURPOSE SHALL BE THE TAX RATE APPLICABLE TO THE HOMESTEAD
17 CLASS, AS DEFINED IN ARTICLE NINETEEN OF THIS CHAPTER, AS REPORTED BY
18 THE SCHOOL DISTRICT.

19 (F) WHERE THE PROVISIONS OF SUBPARAGRAPH (IV) OF PARAGRAPH (K) OF
20 SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER ARE
21 APPLICABLE, THE APPLICABLE REBATE AMOUNT SHALL BE ONE-THIRD OF THE
22 OTHERWISE APPLICABLE REBATE AMOUNT SET FORTH IN PARAGRAPH (B) OR (C) OF
23 THIS SUBDIVISION. THE STATE BOARD SHALL CALCULATE AND CERTIFY TO THE
24 DEPARTMENT OF TAXATION AND FINANCE THE REBATE AMOUNTS APPLICABLE IN SUCH
25 CASES, ALONG WITH THE CERTIFICATION REQUIRED BY PARAGRAPH (A) OF THIS
26 SUBDIVISION.

27 (G) FOR THE PURPOSES OF THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN
28 SCHOOL YEAR AND EACH YEAR THEREAFTER, TAX REBATES AUTHORIZED PURSUANT TO
29 THIS SECTION SHALL APPLY ONLY TO THOSE OWNERS WHO:

30 (I) HAVE ATTAINED THE AGE OF SIXTY-FIVE YEARS OR OLDER; AND

31 (II) HAVE "AFFILIATED INCOME" AS DEFINED IN PARAGRAPH (B) OF SUBDIVI-
32 SION SIX OF SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW EQUAL TO OR
33 LESS THAN ONE HUNDRED FIFTY THOUSAND DOLLARS.

34 S 2. The tax law is amended by adding a new section 178 to read as
35 follows:

36 S 178. "MIDDLE CLASS STAR" REBATE PROGRAM. 1. THE COMMISSIONER SHALL
37 ISSUE THE LOCAL PROPERTY TAX REBATES AUTHORIZED BY SECTION THIRTEEN
38 HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW EXCEPT AS PROVIDED IN PARA-
39 GRAPH (G) OF SUBDIVISION THREE OF SUCH SECTION. FOR PURPOSES OF THIS
40 SECTION THE REBATE SHALL BE CALCULATED USING THE COMPUTATION FORMULA SET
41 FORTH IN SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED SIX-B OF THE REAL
42 PROPERTY TAX LAW.

43 2. ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND NINE AND EACH YEAR
44 THEREAFTER, THE EXECUTIVE DIRECTOR OF THE OFFICE OF REAL PROPERTY
45 SERVICES, OR HIS OR HER DESIGNEE, OR ON OR BEFORE JULY FIRST, TWO THOU-
46 SAND NINE AND EACH YEAR THEREAFTER IN THE CASE OF A CITY WITH A POPU-
47 LATION OF ONE MILLION OR MORE, THE COMMISSIONER OF FINANCE, SHALL
48 PROVIDE TO THE COMMISSIONER A REPORT IN A MUTUALLY AGREEABLE FORMAT
49 CONCERNING THOSE PARCELS WHICH SATISFY THE CRITERIA SET FORTH IN SECTION
50 THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW.

51 3. THE COMMISSIONER IN CONSULTATION WITH THE OFFICE OF REAL PROPERTY
52 SERVICES AND IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR
53 MORE, THE COMMISSIONER OF FINANCE, IS AUTHORIZED TO DEVELOP PROCEDURES
54 NECESSARY TO PROVIDE FOR THE ISSUANCE OF LOCAL PROPERTY TAX REBATES TO
55 QUALIFYING PROPERTY OWNERS, AND THOSE QUALIFYING PROPERTY OWNERS THAT
56 DID NOT RECEIVE THEM INITIALLY. IF THE COMMISSIONER IS NOT SATISFIED

1 THAT THE PROPERTY OWNER IS QUALIFIED FOR THE LOCAL PROPERTY TAX REBATE,
2 THE COMMISSIONER SHALL NOT ISSUE SUCH REBATE.

3 4. WHEN THE PROPER PAYMENT OF A TAX REBATE UNDER THIS SECTION DEPENDS
4 UPON CONSTRUCTION OF THE MEANING OF THE PROVISIONS OF SECTION THIRTEEN
5 HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW (AND ANY RELATED PROVISIONS
6 OF SUCH LAW) OR INTERPRETATION OF THE TERMS CONTAINED THEREIN, IT SHALL
7 BE THE RESPONSIBILITY OF THE STATE BOARD OF REAL PROPERTY SERVICES TO
8 PROVIDE TO THE DEPARTMENT THE CONSTRUCTION OR INTERPRETATION OF ANY SUCH
9 PROVISIONS OR TERMS.

10 5. BY DEPOSITING A REBATE ISSUED PURSUANT TO THIS SECTION AND AUTHOR-
11 IZED BY SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW, THE
12 PAYEE IS CERTIFYING THAT HE OR SHE IS THE PROPERTY OWNER, AND THAT THE
13 PRIMARY RESIDENCE OF SUCH PROPERTY OWNER IS NOT SUBJECT TO ANY DELIN-
14 QUENT SCHOOL TAXES.

15 6. VERIFICATION OF "AFFILIATED INCOME" FOR "MIDDLE CLASS STAR" REBATE
16 PROGRAM. (A) GENERALLY. THE DETERMINATION OF THE "AFFILIATED INCOME" OF
17 PARCELS FOR PURPOSES OF THE "MIDDLE CLASS STAR" REBATE PROGRAM AS
18 AUTHORIZED BY SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED SIX-B OF THE
19 REAL PROPERTY TAX LAW SHALL BE MADE AS PROVIDED BY THIS SECTION.

20 (B) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "INCOME" SHALL HAVE THE
21 SAME MEANING AS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (B) OF
22 SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPER-
23 TY TAX LAW. THE TERM "AFFILIATED INCOME" SHALL MEAN THE COMBINED INCOME
24 OF ALL OF THE OWNERS OF THE PARCEL WHO RESIDED PRIMARILY THEREON ON THE
25 TAXABLE STATUS DATE FOR THE ASSESSMENT ROLL USED TO GENERATE THE APPLI-
26 CABLE SCHOOL TAX BILLS, AND OF ANY OWNERS' SPOUSES FILING JOINTLY OR
27 SPOUSES' RESIDING PRIMARILY THEREON IN THE CASES OF SPOUSES' FILING
28 SEPARATE RETURNS ON SUCH TAXABLE STATUS DATE AND SHALL BE DETERMINED AS
29 FOLLOWS:

30 (I) FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, AFFIL-
31 IATED INCOME SHALL BE DETERMINED BASED UPON THE PARTIES' INCOMES FOR THE
32 INCOME TAX YEAR ENDING IN TWO THOUSAND SEVEN. IN EACH SUBSEQUENT YEAR,
33 THE APPLICABLE INCOME TAX YEAR SHALL BE ADVANCED BY ONE YEAR.

34 (II) THE DEPARTMENT SHALL DETERMINE THE AFFILIATED INCOME FOR EACH
35 PARCEL AND SHALL ASSIGN A REBATE AMOUNT FOR EACH PARCEL BASED UPON SUCH
36 DETERMINATION. IN ANY CASE WHERE AFFILIATED INCOME CANNOT BE DETERMINED,
37 A REBATE SHALL NOT BE ISSUED.

38 7. NOTIFICATION REQUIREMENT. THE DEPARTMENT SHALL MAIL INFORMATION
39 CONCERNING THE "MIDDLE CLASS STAR" REBATE PROGRAM TO OWNERS OF PARCELS
40 RECEIVING A BASIC STAR EXEMPTION ON THE ASSESSMENT ROLL USED TO GENERATE
41 THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL TAX BILL. SUCH NOTIFICA-
42 TION SHALL EXPLAIN THAT PROPERTY OWNERS MUST FILE APPLICATIONS WITH THE
43 DEPARTMENT IN ORDER TO OBTAIN THE REBATE AVAILABLE UNDER THE "MIDDLE
44 CLASS STAR" REBATE PROGRAM. SUCH NOTICE SHALL FURTHER EXPLAIN HOW TO
45 OBTAIN THE APPLICATION.

46 8. APPLICATIONS. (A) IN ORDER TO OBTAIN THE BENEFITS OF THE "MIDDLE
47 CLASS STAR" REBATE PROGRAM, THE PROPERTY OWNER MUST SUBMIT AN APPLICA-
48 TION TO THE DEPARTMENT NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND
49 NINE. THE APPLICANT SHALL PROVIDE THE DEPARTMENT WITH SUCH INFORMATION
50 AS MAY BE NECESSARY TO DETERMINE THE PARCEL'S AFFILIATED INCOME. THE
51 PERSONS OTHER THAN THE APPLICANT WHOSE INCOMES ARE NECESSARY TO THE
52 DETERMINATION OF THE PARCEL'S AFFILIATED INCOME SHALL BE REFERRED TO IN
53 THIS SECTION AS "AFFILIATED PERSONS." RECIPIENTS OF THE ENHANCED STAR
54 EXEMPTION SHALL NOT FILE AN APPLICATION TO RECEIVE A REBATE. THE DEPART-
55 MENT SHALL MAIL ENHANCED STAR REBATE RECIPIENTS THEIR REBATES IN A TIME-
56 LY MANNER.

1 (B) IF THE APPLICANT OR ANY AFFILIATED PERSONS WERE NOT REQUIRED TO
2 FILE NEW YORK STATE INCOME TAX RETURNS FOR THE TWO THOUSAND SEVEN INCOME
3 TAX YEAR BECAUSE THEIR INCOMES WERE BELOW THE THRESHOLD THAT NECESSI-
4 TATED SUCH FILING, THE APPLICATION SHALL SO INDICATE.

5 (C) IF THE APPLICANT OR ANY AFFILIATED PERSONS WERE NOT REQUIRED TO
6 FILE NEW YORK STATE INCOME TAX RETURNS FOR THE TWO THOUSAND SEVEN INCOME
7 TAX YEAR BECAUSE THEY DID NOT RESIDE IN NEW YORK STATE IN SUCH TAXABLE
8 YEAR, THE APPLICATION SHALL SO INDICATE. SUCH PERSONS SHALL PROVIDE WITH
9 THE APPLICATION ANY INFORMATION THAT THE DEPARTMENT DETERMINES IS NECES-
10 SARY TO CALCULATE THE PARCEL'S AFFILIATED INCOME UNDER THE "MIDDLE CLASS
11 STAR" REBATE PROGRAM.

12 (D) AFTER TWO THOUSAND NINE, APPLICATIONS SHALL BE REQUIRED ONLY WHEN
13 A NEW APPLICATION FOR A BASIC STAR EXEMPTION FOR REAL PROPERTY TAXATION
14 IS FILED PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROP-
15 erty TAX LAW, OR WHEN THERE IS A CHANGE OF OWNERSHIP WHICH DOES NOT
16 NECESSITATE THE FILING OF A NEW APPLICATION FOR A BASIC STAR EXEMPTION.
17 IN EITHER INSTANCE, AN APPLICATION SHALL BE SUBMITTED TO THE DEPARTMENT
18 ON A TIMELY BASIS.

19 (E) IF AN APPLICATION FOR A "MIDDLE CLASS STAR" REBATE IS RECEIVED
20 AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND NINE, AN OTHERWISE ELIGIBLE
21 PROPERTY OWNER SHALL NOT RECEIVE A REBATE FOR SUCH YEAR. HOWEVER, SUCH
22 APPLICATION SHALL BE CONSIDERED TIMELY FILED FOR A REBATE IN SUBSEQUENT
23 YEARS PROVIDED THE OWNERSHIP OF THE PARCEL REMAINS UNCHANGED.

24 9. PROCESSING OF APPLICATIONS. (A) AFTER RECEIVING A TIMELY APPLICA-
25 TION, THE DEPARTMENT SHALL ATTEMPT TO DETERMINE THE AFFILIATED INCOME OF
26 THE PARCEL AND THE REBATE AMOUNT TO WHICH THE PARCEL IS ENTITLED, IF
27 ANY.

28 (B) IN THE CASE OF AN APPLICATION WHICH INDICATES THAT THE APPLICANT
29 AND ANY AFFILIATED PERSONS WERE NOT REQUIRED TO FILE NEW YORK STATE
30 INCOME TAX RETURNS FOR THE TWO THOUSAND SEVEN INCOME TAX YEAR BECAUSE
31 THEIR INCOMES WERE BELOW THE THRESHOLD WHICH NECESSITATED THE FILING OF
32 A STATE INCOME TAX RETURN, THE DEPARTMENT MAY, SUBJECT TO AUDIT, ISSUE A
33 REBATE EQUAL TO THE HIGHEST AMOUNT AVAILABLE FOR THAT SCHOOL DISTRICT
34 SEGMENT.

35 (C) IN THE CASE OF AN APPLICATION WHICH INDICATES THAT THE APPLICANT
36 AND ANY AFFILIATED PERSONS WERE NOT REQUIRED TO FILE NEW YORK STATE
37 INCOME TAX RETURNS FOR THE TWO THOUSAND SEVEN INCOME TAX YEAR BECAUSE
38 THEY DID NOT RESIDE IN NEW YORK STATE IN SUCH TAXABLE YEAR, THE APPLI-
39 CANT SHALL PROVIDE SUCH INFORMATION REGARDING INCOME AS IS REQUESTED BY
40 THE DEPARTMENT. THE DEPARTMENT SHALL ISSUE A REBATE BASED UPON THE
41 INFORMATION PROVIDED BY THE APPLICANT AND ANY OTHER INFORMATION TO WHICH
42 THE DEPARTMENT MAY HAVE ACCESS CONCERNING THE INCOME OF SUCH PERSON OR
43 PERSONS.

44 10. RECONSIDERATION OF REBATE AMOUNT. IN THE EVENT THE DEPARTMENT IS
45 UNABLE TO DETERMINE THE AFFILIATED INCOME FOR A PARCEL OR THE DEPARTMENT
46 DETERMINES THAT A REBATE SHALL NOT BE ISSUED FOR A PARCEL, THE DEPART-
47 MENT SHALL NOTIFY THE APPLICANT OF THAT FACT. A PROPERTY OWNER MAY SEEK
48 RECONSIDERATION OF THE REBATE AMOUNT DETERMINATION FOR HIS OR HER PARCEL
49 ON THE GROUNDS THAT THE PARCEL'S AFFILIATED INCOME WAS DETERMINED ERRO-
50 NEOUSLY. A PROPERTY OWNER MAY ALSO SEEK RECONSIDERATION IF NO REBATE WAS
51 ISSUED BECAUSE THE PARCEL'S AFFILIATED INCOME WAS UNDETERMINED. AN
52 APPLICATION FOR RECONSIDERATION OF REBATE AMOUNT SHALL BE MADE IN A
53 MANNER PRESCRIBED BY THE DEPARTMENT, AND SHALL BE ACCOMPANIED BY SUCH
54 DOCUMENTATION AS THE DEPARTMENT MAY REQUIRE. SUCH APPLICATION SHALL BE
55 FILED NO LATER THAN MARCH THIRTY-FIRST, TWO THOUSAND TEN. IF THE DEPART-
56 MENT FINDS AFTER REVIEWING SUCH AN APPLICATION THAT THE REBATE AMOUNT

1 DETERMINATION FOR A PARCEL SHOULD BE CORRECTED, IT SHALL ISSUE AN
2 AMENDED OR INITIAL REBATE CHECK. IF THE DEPARTMENT FINDS AFTER REVIEWING
3 SUCH AN APPLICATION THAT THE REBATE AMOUNT DETERMINATION FOR THE PARCEL
4 WAS CORRECTLY DETERMINED, IT SHALL SO NOTIFY THE APPLICANT. SUCH NOTIFI-
5 CATION SHALL INCLUDE AN EXPLANATION OF THE DEPARTMENT'S FINDINGS, INDI-
6 CATE THAT THE APPLICANT HAS THE RIGHT TO A PROCEEDING UNDER ARTICLE
7 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES, AND INDICATE THE
8 STATUTE OF LIMITATIONS ASSOCIATED WITH SUCH PROCEEDINGS. SUCH FINDING
9 SHALL BE SUBJECT TO REVIEW PURSUANT ONLY TO A PROCEEDING UNDER ARTICLE
10 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

11 11. SPECIAL PROVISIONS RELATING TO CO-OPERATIVE APARTMENT UNITS AND
12 MOBILE HOMES. THE DEPARTMENT'S DETERMINATION OF AFFILIATED INCOME SHALL
13 BE MADE WITH RESPECT TO THE TENANT-SHAREHOLDERS OR OWNERS OF THE UNIT IN
14 QUESTION RATHER THAN OF THE PARCEL.

15 12. SUBSEQUENT YEARS. IN EACH YEAR SUBSEQUENT TO TWO THOUSAND NINE,
16 AFFILIATED INCOMES SHALL CONTINUE TO BE DETERMINED AS PROVIDED BY THIS
17 SECTION FOR PURPOSES OF THE "MIDDLE CLASS STAR" REBATE PROGRAM, EXCEPT
18 THAT:

19 (A) THE NOTIFICATION REQUIREMENT OF SUBDIVISION SEVEN OF THIS SECTION
20 SHALL NOT BE APPLICABLE;

21 (B) APPLICATIONS SHALL BE REQUIRED ONLY AS PROVIDED IN SUBDIVISION
22 EIGHT OF THIS SECTION; AND

23 (C) IN EACH SUBSEQUENT YEAR, THE APPLICABLE INCOME TAX YEAR FOR DETER-
24 MINATIONS UNDER THIS SECTION SHALL BE ADVANCED ONE YEAR. ALL OTHER
25 APPLICABLE DATES AND DEADLINES WHICH REFERENCE A DATE IN TWO THOUSAND
26 NINE SHALL BE ADVANCED AND SHALL BE DEEMED TO REFERENCE DATES IN THAT
27 SUBSEQUENT YEAR, EXCEPT THAT APPLICATIONS FOR RECONSIDERATION OF REBATE
28 AMOUNT DETERMINATIONS SHALL BE SUBMITTED NO LATER THAN MARCH
29 THIRTY-FIRST OF THE ENSUING YEAR.

30 13. CONFIDENTIAL INFORMATION; DISCLOSURE PROHIBITION. INFORMATION
31 REGARDING REBATES ISSUED TO INDIVIDUALS SHALL NOT BE SUBJECT TO DISCLO-
32 SURE; INCLUDING NAMES, ADDRESSES, AND DOLLAR AMOUNTS OF REBATES. IN
33 ADDITION, ALL APPLICATIONS SUBMITTED FOR REBATES SHALL NOT BE SUBJECT TO
34 DISCLOSURE.

35 14. DEADLINE. IF ANY APPLICABLE DEADLINE SHALL FALL ON A SATURDAY,
36 SUNDAY OR LEGAL HOLIDAY, SUCH DEADLINE SHALL BE ADVANCED TO THE NEXT
37 BUSINESS DAY.

38 15. AFFILIATED INCOME BRACKETS; INDEXING. THE DEPARTMENT SHALL ESTAB-
39 LISH THE AFFILIATED INCOME BRACKETS TO BE ASSOCIATED WITH THE REBATE
40 AMOUNTS FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR
41 AND EACH SCHOOL YEAR THEREAFTER BY APPLYING THE INFLATION FACTOR SET
42 FORTH IN THIS SUBDIVISION TO THE FIGURES THAT DEFINED THE INCOME BRACK-
43 ETS THAT WERE APPLICABLE TO THE TWO THOUSAND TWELVE--TWO THOUSAND THIR-
44 TEEN SCHOOL YEAR, AND ROUNDING EACH RESULT TO THE NEAREST MULTIPLE OF
45 ONE HUNDRED DOLLARS. FOR PURPOSES OF THIS SUBDIVISION, THE "INFLATION
46 FACTOR" FOR EACH INCOME BRACKET SHALL BE DETERMINED BY THE PERCENTAGE
47 INCREASE IN THE CONSUMER PRICE INDEX FOR URBAN WAGE EARNERS AND CLERICAL
48 WORKERS (CPI-W) PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR,
49 BUREAU OF LABOR STATISTICS, FOR THE THIRD QUARTER OF THE CALENDAR YEAR
50 PRECEDING THE APPLICABLE SCHOOL YEAR, AS COMPARED TO THE THIRD QUARTER
51 OF THE PRIOR CALENDAR YEAR. IF A BASE FIGURE AS SO DETERMINED IS NOT
52 EXACTLY EQUAL TO A MULTIPLE OF ONE HUNDRED DOLLARS, IT SHALL BE ROUNDED
53 TO THE NEAREST MULTIPLE OF ONE HUNDRED DOLLARS. IN EACH SUBSEQUENT
54 SCHOOL YEAR, THE PRIOR YEAR'S INCOME BRACKETS SHALL BE INDEXED USING THE
55 ABOVE FORMULA WITH EACH YEAR ADVANCED BY ONE YEAR.

1 S 3. Section 606 of the tax law is amended by adding a new subsection
2 (qq) to read as follows:

3 (QQ) MIDDLE CLASS CIRCUIT BREAKER CREDIT. (1) DEFINITIONS. FOR THE
4 PURPOSES OF THIS SUBSECTION:

5 (A) "QUALIFIED TAXPAYER" MEANS A RESIDENT INDIVIDUAL OF THE STATE WHO
6 OWNS OR RENTS THE RESIDENTIAL REAL PROPERTY IN WHICH HE OR SHE RESIDES,
7 AND HAS RESIDED IN SUCH RESIDENTIAL REAL PROPERTY FOR NOT LESS THAN
8 THREE YEARS.

9 (B) "HOUSEHOLD" OR "MEMBERS OF THE HOUSEHOLD" MEANS A QUALIFIED
10 TAXPAYER OR QUALIFIED TAXPAYERS AND ALL OTHER PERSONS, NOT NECESSARILY
11 RELATED, WHO ALL RESIDE IN THE RESIDENTIAL REAL PROPERTY OWNED BY THE
12 TAXPAYER OR TAXPAYERS, AND SHARE ITS FURNISHINGS, FACILITIES AND ACCOM-
13 MODATIONS; PROVIDED THAT NO PERSON MAY BE A MEMBER OF MORE THAN ONE
14 HOUSEHOLD AT ONE TIME.

15 (C) "HOUSEHOLD GROSS INCOME" MEANS THE AGGREGATE ADJUSTED GROSS INCOME
16 OF ALL MEMBERS OF THE HOUSEHOLD FOR THE TAXABLE YEAR AS REPORTED FOR
17 FEDERAL INCOME TAX PURPOSES, OR WHICH WOULD BE REPORTED AS ADJUSTED
18 GROSS INCOME IF A FEDERAL INCOME TAX RETURN WERE REQUIRED TO BE FILED,
19 WITH THE MODIFICATIONS IN SUBSECTION (B) OF SECTION SIX HUNDRED TWELVE
20 OF THIS ARTICLE BUT WITHOUT THE MODIFICATIONS IN SUBSECTION (C) OF SUCH
21 SECTION, PLUS ANY PORTION OF THE GAIN FROM THE SALE OR EXCHANGE OF PROP-
22 erty OTHERWISE EXCLUDED FROM SUCH AMOUNT; EARNED INCOME FROM SOURCES
23 WITHOUT THE UNITED STATES EXCLUDABLE FROM FEDERAL GROSS INCOME BY
24 SECTION NINE HUNDRED ELEVEN OF THE INTERNAL REVENUE CODE; SUPPORT MONEY
25 NOT INCLUDED IN ADJUSTED GROSS INCOME; NONTAXABLE STRIKE BENEFITS;
26 SUPPLEMENTAL SECURITY INCOME PAYMENTS; THE GROSS AMOUNT OF ANY PENSION
27 OR ANNUITY BENEFITS TO THE EXTENT NOT INCLUDED IN SUCH ADJUSTED GROSS
28 INCOME (INCLUDING, BUT NOT LIMITED TO, RAILROAD RETIREMENT BENEFITS AND
29 ALL PAYMENTS RECEIVED UNDER THE FEDERAL SOCIAL SECURITY ACT AND VETER-
30 ANS' DISABILITY PENSIONS); NONTAXABLE INTEREST RECEIVED FROM THE STATE
31 OF NEW YORK, ITS AGENCIES, INSTRUMENTALITIES, PUBLIC CORPORATIONS, OR
32 POLITICAL SUBDIVISIONS (INCLUDING A PUBLIC CORPORATION CREATED PURSUANT
33 TO AGREEMENT OR COMPACT WITH ANOTHER STATE OR CANADA); WORKERS' COMPEN-
34 SATION; THE GROSS AMOUNT OF "LOSS-OF-TIME" INSURANCE; AND THE AMOUNT OF
35 CASH PUBLIC ASSISTANCE AND RELIEF, OTHER THAN MEDICAL ASSISTANCE FOR THE
36 NEEDY, PAID TO OR FOR THE BENEFIT OF THE QUALIFIED TAXPAYER OR MEMBERS
37 OF HIS OR HER HOUSEHOLD. HOUSEHOLD GROSS INCOME SHALL NOT INCLUDE
38 SURPLUS FOODS OR OTHER RELIEF IN KIND OR PAYMENTS MADE TO INDIVIDUALS
39 BECAUSE OF THEIR STATUS AS VICTIMS OF NAZI PERSECUTION AS DEFINED IN
40 PUBLIC LAW 103-286 OR ANY DISABILITY COMPENSATION RECEIVED BY VETERANS
41 ON ACCOUNT OF INJURY OR ILLNESS INCURRED OR AGGRAVATED DURING MILITARY
42 SERVICE IN THE WARS IN AFGHANISTAN AND IRAQ SINCE SEPTEMBER ELEVENTH,
43 TWO THOUSAND ONE. PROVIDED, FURTHER, HOUSEHOLD GROSS INCOME SHALL ONLY
44 INCLUDE ALL SUCH INCOME RECEIVED BY ALL MEMBERS OF THE HOUSEHOLD WHILE
45 MEMBERS OF SUCH HOUSEHOLD. FOR FARM FAMILIES EARNING AT LEAST FIFTY
46 PERCENT OF THEIR INCOME FROM FARMING, "ADJUSTED GROSS INCOME" SHALL BE
47 REPLACED WITH "MODIFIED ADJUSTED GROSS INCOME" FOR FEDERAL TAX PURPOSES
48 AS REPORTED ON THE APPLICANT'S FEDERAL AND STATE INCOME TAX RETURNS FOR
49 THE APPLICABLE INCOME TAX YEAR.

50 (D) "ADJUSTED RENT" MEANS RENT PAID FOR THE RIGHT OF OCCUPANCY OF A
51 RESIDENCE.

52 (E) "REAL PROPERTY TAX EQUIVALENT" MEANS (1) FOR TAXABLE YEARS BEGIN-
53 NING IN TWO THOUSAND TEN, FIFTEEN PERCENT OF THE ADJUSTED RENT ACTUALLY
54 PAID IN THE TAXABLE YEAR BY A HOUSEHOLD SOLELY FOR THE RIGHT OF OCCUPAN-
55 CY OF ITS NEW YORK RESIDENCE FOR THE TAXABLE YEAR. IF (I) A RESIDENCE IS
56 RENTED TO TWO OR MORE INDIVIDUALS AS COTENANTS, OR SUCH INDIVIDUALS

1 SHARE IN THE PAYMENT OF A SINGLE RENT FOR THE RIGHT OF OCCUPANCY OF SUCH
 2 RESIDENCE, AND (II) EACH OF SUCH INDIVIDUALS IS A MEMBER OF A DIFFER-
 3 ENT HOUSEHOLD, ONE OR MORE OF WHICH INDIVIDUALS SHARES SUCH RESIDENCE,
 4 REAL PROPERTY TAX EQUIVALENT IS THAT PORTION OF FIFTEEN PERCENT OF THE
 5 ADJUSTED RENT PAID IN THE TAXABLE YEAR WHICH REFLECTS THAT PORTION OF
 6 THE RENT ATTRIBUTABLE TO THE QUALIFIED TAXPAYER AND THE MEMBERS OF HIS
 7 OR HER HOUSEHOLD; AND (2) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND
 8 ELEVEN AND THEREAFTER, TWENTY PERCENT OF THE ADJUSTED RENT ACTUALLY PAID
 9 IN THE TAXABLE YEAR BY A HOUSEHOLD SOLELY FOR THE RIGHT OF OCCUPANCY OF
 10 ITS NEW YORK RESIDENCE FOR THE TAXABLE YEAR. IF (I) A RESIDENCE IS RENT-
 11 ED TO TWO OR MORE INDIVIDUALS AS COTENANTS, OR SUCH INDIVIDUALS SHARE IN
 12 THE PAYMENT OF A SINGLE RENT FOR THE RIGHT OF OCCUPANCY OF SUCH RESI-
 13 DENCE, AND (II) EACH OF SUCH INDIVIDUALS IS A MEMBER OF A DIFFERENT
 14 HOUSEHOLD, ONE OR MORE OF WHICH INDIVIDUALS SHARES SUCH RESIDENCE, REAL
 15 PROPERTY TAX EQUIVALENT IS THAT PORTION OF TWENTY PERCENT OF THE
 16 ADJUSTED RENT PAID IN THE TAXABLE YEAR WHICH REFLECTS THAT PORTION OF
 17 THE RENT ATTRIBUTABLE TO THE QUALIFIED TAXPAYER AND THE MEMBERS OF HIS
 18 OR HER HOUSEHOLD.

19 (F) "NET REAL PROPERTY TAX" MEANS THE REAL PROPERTY TAXES ASSESSED ON
 20 THE RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED BY THE TAXPAYER OR
 21 TAXPAYERS AFTER ANY EXEMPTION OR ABATEMENT RECEIVED PURSUANT TO THE REAL
 22 PROPERTY TAX LAW, OR ANY REBATE RECEIVED PURSUANT TO SECTION THIRTEEN
 23 HUNDRED SIX-B OF SUCH LAW.

24 (2) CREDIT. A QUALIFIED TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE
 25 TAXES IMPOSED BY THIS ARTICLE, EQUAL TO SEVENTY PERCENT OF THE AMOUNT BY
 26 WHICH THE TAXPAYER'S NET REAL PROPERTY TAX OR THE TAXPAYER'S REAL PROP-
 27 erty TAX EQUIVALENT EXCEEDS THE TAXPAYER'S MAXIMUM REAL PROPERTY TAX, AS
 28 DETERMINED BY PARAGRAPH THREE OF THIS SUBSECTION. IF SUCH CREDIT EXCEEDS
 29 THE TAX FOR SUCH TAXABLE YEAR, AS REDUCED BY THE OTHER CREDITS PERMITTED
 30 BY THIS ARTICLE, THE QUALIFIED TAXPAYER MAY RECEIVE, AND THE COMP-
 31 TROLLER, SUBJECT TO A CERTIFICATE OF THE DEPARTMENT, SHALL PAY AS AN
 32 OVERPAYMENT, WITHOUT INTEREST, ANY EXCESS BETWEEN SUCH TAX AS SO REDUCED
 33 AND THE AMOUNT OF THE CREDIT. IF A QUALIFIED TAXPAYER IS NOT REQUIRED TO
 34 FILE A RETURN PURSUANT TO SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE,
 35 A QUALIFIED TAXPAYER MAY NEVERTHELESS RECEIVE AND THE COMPTROLLER,
 36 SUBJECT TO A CERTIFICATE OF THE DEPARTMENT, SHALL PAY AS AN OVERPAYMENT
 37 THE FULL AMOUNT OF THE CREDIT, WITHOUT INTEREST.

38 (3) MAXIMUM REAL PROPERTY TAX. A QUALIFIED TAXPAYER'S MAXIMUM REAL
 39 PROPERTY TAX SHALL BE DETERMINED AS FOLLOWS:

40 (A) IN THE CITY OF NEW YORK, AND THE COUNTIES OF NASSAU, SUFFOLK,
 41 ROCKLAND, WESTCHESTER, PUTNAM, ORANGE AND DUTCHESS:

42 HOUSEHOLD GROSS INCOME	MAXIMUM REAL PROPERTY TAX
43 ONE HUNDRED TWENTY THOUSAND	SIX PERCENT OF THE
44 DOLLARS OR LESS	HOUSEHOLD GROSS INCOME
45 MORE THAN ONE HUNDRED TWENTY	SIX PERCENT OF ONE HUNDRED TWENTY
46 THOUSAND DOLLARS, BUT LESS THAN	THOUSAND DOLLARS PLUS SEVEN
47 OR EQUAL TO ONE HUNDRED SEVENTY-	PERCENT OF HOUSEHOLD GROSS INCOME
48 FIVE THOUSAND DOLLARS	ABOVE ONE HUNDRED TWENTY THOUSAND
49	DOLLARS
50 MORE THAN ONE HUNDRED SEVENTY-	SIX PERCENT OF ONE HUNDRED TWENTY
51 FIVE THOUSAND DOLLARS, BUT LESS	THOUSAND DOLLARS PLUS SEVEN
52 THAN OR EQUAL TO TWO HUNDRED FIFTY	PERCENT OF FIFTY-FIVE THOUSAND
53 THOUSAND DOLLARS	DOLLARS PLUS EIGHT PERCENT OF

1		HOUSEHOLD GROSS INCOME ABOVE
2		ONE HUNDRED SEVENTY-FIVE
3		THOUSAND DOLLARS

4	MORE THAN TWO HUNDRED FIFTY	NO LIMITATION.
5	THOUSAND DOLLARS	

6 (B) IN ALL OTHER COUNTIES OF THE STATE:

7	HOUSEHOLD GROSS INCOME	MAXIMUM REAL PROPERTY TAX
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8	NINETY THOUSAND	SIX PERCENT OF THE
9	DOLLARS OR LESS	HOUSEHOLD GROSS INCOME

10	MORE THAN NINETY THOUSAND	SIX PERCENT OF NINETY
11	DOLLARS, BUT LESS THAN OR EQUAL	THOUSAND DOLLARS PLUS SEVEN
12	TO ONE HUNDRED FIFTY THOUSAND	PERCENT OF HOUSEHOLD GROSS INCOME
13	DOLLARS	ABOVE NINETY THOUSAND DOLLARS

14	MORE THAN ONE HUNDRED FIFTY	SIX PERCENT OF NINETY THOUSAND
15	THOUSAND DOLLARS, BUT LESS	DOLLARS PLUS SEVEN PERCENT OF
16	THAN OR EQUAL TO TWO HUNDRED FIFTY	SIXTY THOUSAND DOLLARS PLUS
17	THOUSAND DOLLARS	EIGHT PERCENT OF HOUSEHOLD GROSS
18		INCOME ABOVE ONE HUNDRED FIFTY
19		THOUSAND DOLLARS

20	MORE THAN TWO HUNDRED FIFTY	NO LIMITATION.
21	THOUSAND DOLLARS	

22 S 4. Subparagraphs (A) and (B) of paragraph 2 of subsection (e) of
23 section 1310 of the tax law, as amended by section 4 of part M of chap-
24 ter 57 of the laws of 2009, are amended to read as follows:

25 (A) Married individuals filing joint returns and surviving spouses. In
26 the case of a husband and wife who make a single return jointly and of a
27 surviving spouse:

28	For taxable years beginning:	The credit shall be:
29	in 2001-2005	\$125
30	in 2006	\$230
31	in 2007-2008	\$290
32	in 2009 [and after]	[\$125] \$310
33	AFTER 2009	\$125

34 (B) All others. In the case of an unmarried individual, a head of a
35 household or a married individual filing a separate return:

36	For taxable years beginning:	The credit shall be:
37	in 2001-2005	\$62.50
38	in 2006	\$115
39	in 2007-2008	\$145
40	in 2009 [and after]	[\$62.50] \$155
41	AFTER 2009	\$62.50

42 S 5. Subparagraphs (A) and (B) of paragraph 2 of subdivision (c) of
43 section 11-1706 of the administrative code of the city of New York, as
44 amended by section 5 of part M of chapter 57 of the laws of 2009, are
45 amended to read as follows:

46 (A) Married individuals filing joint returns and surviving spouses. In
47 the case of a husband and wife who make a single return jointly and of a
48 surviving spouse:

49	For taxable years beginning:	The credit shall be:
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1	in 2001-2005	\$125
2	in 2006	\$230
3	in 2007-2008	\$290
4	in 2009 [and after]	[\$125] \$310
5	AFTER 2009	\$125

6 (B) All others. In the case of an unmarried individual, a head of a
7 household or a married individual filing a separate return:

8 For taxable years beginning: The credit shall be:

9	in 2001-2005	\$62.50
10	in 2006	\$115
11	in 2007-2008	\$145
12	in 2009 [and after]	[\$65.50] \$155
13	AFTER 2009	\$65.50

14 S 6. Subsection (e) of section 1310 of the tax law, as added by
15 section 135 of part A of chapter 389 of the laws of 1997, is amended by
16 adding a new paragraph 3 to read as follows:

17 (3) NOTWITHSTANDING THE SCHEDULE OF CREDIT IN SUBPARAGRAPHS (A) AND
18 (B) OF PARAGRAPH TWO OF THIS SUBSECTION, STARTING IN TWO THOUSAND TEN
19 TAXPAYERS WHO:

20 (A) ARE SIXTY-FIVE YEARS OR OLDER AS OF DECEMBER THIRTY-FIRST, TWO
21 THOUSAND TEN AND FOR EACH SUBSEQUENT TAX YEAR THE APPLICABLE DATE SHALL
22 BE ADVANCED BY ONE YEAR; AND

23 (B) WHERE THE HOUSEHOLD GROSS INCOME IS LESS THAN ONE HUNDRED FIFTY
24 THOUSAND DOLLARS

25 SHALL INSTEAD BE ENTITLED TO A CREDIT OF THREE HUNDRED THIRTY-FIVE
26 DOLLARS FOR MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING
27 SPOUSES AND ONE HUNDRED SIXTY-SEVEN DOLLARS AND FIFTY CENTS FOR ALL
28 OTHERS, INCLUDING AN UNMARRIED INDIVIDUAL, A HEAD OF HOUSEHOLD OR A
29 MARRIED INDIVIDUAL FILING A SEPARATE RETURN. THE REBATE AMOUNTS AND
30 INCOME LIMITATIONS SHALL BE ADJUSTED ANNUALLY BY APPLYING THE INFLATION
31 FACTOR SET FORTH IN PARAGRAPH TWO OF THIS SUBSECTION.

32 S 7. Subdivision (c) of section 11-1706 of the administrative code of
33 the city of New York, as added by section 137 of part A of chapter 389
34 of the laws of 1997, is amended by adding a new paragraph 3 to read as
35 follows:

36 (3) NOTWITHSTANDING THE SCHEDULE OF CREDIT IN SUBPARAGRAPHS (A) AND
37 (B) OF PARAGRAPH TWO OF THIS SUBDIVISION, STARTING IN TWO THOUSAND TEN
38 TAXPAYERS WHO:

39 (A) ARE SIXTY-FIVE YEARS OR OLDER AS OF DECEMBER THIRTY-FIRST, TWO
40 THOUSAND TEN AND FOR EACH SUBSEQUENT TAX YEAR THE APPLICABLE DATE SHALL
41 BE ADVANCED BY ONE YEAR; AND

42 (B) WHERE THE HOUSEHOLD GROSS INCOME IS LESS THAN ONE HUNDRED FIFTY
43 THOUSAND DOLLARS

44 SHALL INSTEAD BE ENTITLED TO A CREDIT OF THREE HUNDRED THIRTY-FIVE
45 DOLLARS FOR MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING
46 SPOUSES AND ONE HUNDRED SIXTY-SEVEN DOLLARS AND FIFTY CENTS FOR ALL
47 OTHERS, INCLUDING AN UNMARRIED INDIVIDUAL, A HEAD OF HOUSEHOLD OR A
48 MARRIED INDIVIDUAL FILING A SEPARATE RETURN. THE REBATE AMOUNTS AND
49 INCOME LIMITATIONS SHALL BE ADJUSTED ANNUALLY BY APPLYING THE INFLATION
50 FACTOR SET FORTH IN PARAGRAPH TWO OF THIS SUBDIVISION.

51 S 8. This act shall take effect immediately.