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

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I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. GABRYSZAK, CHRISTENSEN, COLTON, CYMBROWITZ, HOOPER, SCHIMMINGER, KOON -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, DESTITO, McENENY, ORTIZ, PHEFFER, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to including pension and retirement plans as plans eligible for income reduction when determining eligibility for the enhanced STAR exemption

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

Section 1. Subparagraph (ii) of paragraph (b) of subdivision 4 of section 425 of the real property tax law, as amended by section 3 of part E of chapter 83 of the laws of 2002, is amended to read as follows:

(ii) The term "income" as used herein shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account [and an], individual retirement annuity OR UP TO TWENTY PERCENT OR FIVE THOUSAND DOLLARS OF ANY PENSION OR RETIREMENT PLAN, WHICHEVER IS GREATER; provided that if no such return was filed for the applicable income tax year, "income" shall mean the adjusted gross income that would have been so reported if such a return had been filed.

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

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

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