

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the real property tax law, in relation to providing for a fixed real property assessed value for residential real property owned by certain persons sixty-five years of age or older, and providing state reimbursement to municipalities for lost real property tax revenue

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 431 to read as follows:  
3 S 431. PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER; FIXED REAL PROPERTY  
4 ASSESSED VALUE. 1. RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED AS THE  
5 PRIMARY RESIDENCE, FOR TEN OR MORE CONSECUTIVE YEARS, OF ONE OR MORE  
6 PERSONS, EACH OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OLDER AND ALL OF  
7 WHOM HAVE A COMBINED ANNUAL INCOME OF ONE HUNDRED THOUSAND DOLLARS OR  
8 LESS FOR THE INCOME TAX YEAR IMMEDIATELY PRECEDING THE DATE OF APPLICA-  
9 TION WHEN THE REAL PROPERTY TAXES ON SUCH RESIDENTIAL REAL PROPERTY  
10 EQUALS OR EXCEEDS SIX PERCENT OF SUCH PERSONS' COMBINED ANNUAL INCOME,  
11 OR RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED AS THE PRIMARY RESI-  
12 DENCE, FOR TEN OR MORE CONSECUTIVE YEARS, OF A HUSBAND AND WIFE, ONE OF  
13 WHOM IS SIXTY-FIVE YEARS OF AGE OR OLDER AND BOTH OF WHOM HAVE A  
14 COMBINED ANNUAL INCOME OF ONE HUNDRED THOUSAND DOLLARS OR LESS FOR THE  
15 INCOME TAX YEAR IMMEDIATELY PRECEDING THE DATE OF APPLICATION WHEN THE  
16 REAL PROPERTY TAXES ON SUCH RESIDENTIAL REAL PROPERTY EQUALS OR EXCEEDS  
17 SIX PERCENT OF SUCH HUSBAND'S AND WIFE'S COMBINED ANNUAL INCOME, SHALL  
18 BE ELIGIBLE FOR THE FIXED REAL PROPERTY ASSESSED VALUE ESTABLISHED BY  
19 THIS SECTION.  
20 2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE  
21 THE FOLLOWING MEANINGS:

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

1 (A) "FIXED REAL PROPERTY ASSESSED VALUE" SHALL MEAN THE LOWER OF:

2 (I) THE ASSESSED VALUE OF REAL PROPERTY ESTABLISHED ON THE TAXABLE  
3 STATUS DATE NEXT SUCCEEDING THE DATE ON WHICH AN ELIGIBLE REAL PROPERTY  
4 OWNER ATTAINS THE AGE OF SIXTY-FIVE YEARS; OR

5 (II) THE ASSESSED VALUE OF REAL PROPERTY ESTABLISHED ON ANY TAXABLE  
6 STATUS DATE SUBSEQUENT TO THE DATE UPON WHICH AN ELIGIBLE REAL PROPERTY  
7 OWNER ATTAINS THE AGE OF SIXTY-FIVE YEARS, WHICH IS LOWER THAN THE  
8 ASSESSED VALUE ESTABLISHED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARA-  
9 GRAPH.

10 (B) "RESIDENTIAL REAL PROPERTY" SHALL MEAN ANY ONE OR TWO FAMILY  
11 DWELLING, INCLUDING CONDOMINIUM UNITS AND COOPERATIVE UNITS.

12 3. EACH TAXING AUTHORITY SHALL ANNUALLY DETERMINE THE FIXED REAL PROP-  
13 erty ASSESSED VALUE FOR EACH ELIGIBLE REAL PROPERTY OWNER.

14 4. ANY PERSON ELIGIBLE FOR THE FIXED REAL PROPERTY ASSESSED VALUE  
15 SHALL ANNUALLY APPLY TO THE APPROPRIATE ASSESSING UNIT FOR SUCH FIXED  
16 ASSESSED VALUE. SUCH APPLICATION SHALL BE MADE IN SUCH MANNER AND FORM  
17 AS SHALL BE DETERMINED BY THE STATE BOARD, AND SHALL REQUIRE PROOF OF  
18 THE APPLICANTS' AGES AND INCOMES. SUCH APPLICATIONS SHALL BE FILED ON OR  
19 BEFORE THE TAXABLE STATUS DATE OF THE REAL PROPERTY.

20 5. EVERY ASSESSING UNIT SHALL NOTIFY OR CAUSE TO BE NOTIFIED, EACH  
21 PERSON OWNING RESIDENTIAL REAL PROPERTY WITHIN ITS JURISDICTION, OF THE  
22 PROVISIONS OF THIS SECTION. SUCH NOTICE SHALL BE AND INCLUDE WORDS WHICH  
23 ARE SUBSTANTIALLY THE FOLLOWING: "RESIDENTIAL REAL PROPERTY OWNED BY  
24 PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER AND HAVING A COMBINED ANNUAL  
25 INCOME OF ONE HUNDRED THOUSAND DOLLARS OR LESS, WHEN THE REAL PROPERTY  
26 TAXES ON SUCH PROPERTY EQUAL OR EXCEED SIX PERCENT OF THE COMBINED ANNU-  
27 AL INCOME OF THE OWNERS, MAY BE ELIGIBLE FOR A FIXED REAL PROPERTY  
28 ASSESSED VALUE. TO RECEIVE SUCH FIXED ASSESSED VALUE, ELIGIBLE OWNERS  
29 OF QUALIFYING REAL PROPERTY MUST FILE AN APPLICATION WITH THEIR LOCAL  
30 ASSESSOR ON OR BEFORE THE TAXABLE STATUS DATE. FOR FURTHER INFORMATION,  
31 PLEASE CONTACT YOUR LOCAL ASSESSOR."

32 S 2. The real property tax law is amended by adding a new section 901  
33 to read as follows:

34 S 901. EFFECT OF FIXED REAL PROPERTY ASSESSED VALUE UPON TAXING  
35 AUTHORITIES; STATE AID. 1. LEVY OF TAXES; DETERMINATION OF TAXES DUE.  
36 THE AMOUNT OF TAXES TO BE LEVIED FOR ANY TAXABLE YEAR SHALL BE DETER-  
37 MINED WITHOUT REGARD TO THE FACT THAT STATE AID WILL BE PAYABLE PURSUANT  
38 TO THIS SECTION. IN ADDITION, THE TAX RATE FOR ANY TAXABLE YEAR SHALL BE  
39 DETERMINED AS IF NO PARCELS ARE SUBJECT TO A FIXED REAL PROPERTY  
40 ASSESSED VALUE PURSUANT TO SECTION FOUR HUNDRED THIRTY-ONE OF THIS CHAP-  
41 TER. HOWEVER, THE TAX RATE SO DETERMINED SHALL BE APPLIED TO THE TAXABLE  
42 ASSESSED VALUE OF EACH PARCEL AFTER ACCOUNTING FOR ALL APPLICABLE  
43 EXEMPTIONS.

44 2. TAX SAVINGS. THE TAX SAVINGS FOR EACH PARCEL SUBJECT TO A FIXED  
45 REAL PROPERTY ASSESSED VALUE PURSUANT TO SECTION FOUR HUNDRED THIRTY-ONE  
46 OF THIS CHAPTER SHALL BE COMPUTED BY SUBTRACTING THE AMOUNT ACTUALLY  
47 LEVIED AGAINST THE PARCEL FROM THE AMOUNT THAT WOULD HAVE BEEN LEVIED IF  
48 NOT FOR THE FIXED REAL PROPERTY ASSESSED VALUE. A STATEMENT SHALL THEN  
49 BE PLACED ON THE TAX BILL FOR THE PARCEL IN SUBSTANTIALLY THE FOLLOWING  
50 FORM: "YOUR TAX SAVINGS THIS YEAR RESULTING FROM THE FIXED REAL PROPERTY  
51 ASSESSED VALUE IS \$\_\_\_\_\_."

52 3. STATE AID. (A) THE TOTAL TAX SAVINGS DULY PROVIDED BY EACH TAXING  
53 AUTHORITY PURSUANT TO THIS SECTION SHALL BE A STATE CHARGE, WHICH SHALL  
54 BE PAYABLE AS PROVIDED IN THIS SUBDIVISION.

55 (B) A TAXING AUTHORITY SEEKING STATE AID PURSUANT TO THIS SECTION  
56 SHALL SUBMIT AN APPLICATION THEREFOR TO THE STATE BOARD. THE APPLICATION

1 SHALL INCLUDE SUCH INFORMATION AS THE STATE BOARD SHALL REQUIRE. IN  
2 ADDITION, EACH TAXING AUTHORITY SHALL FILE A COPY OF SUCH APPLICATION  
3 WITH THE COUNTY CLERK OF THE COUNTY IN WHICH AN ELIGIBLE PARCEL IS SITU-  
4 ATE.

5 (C) UPON APPROVING AN APPLICATION FOR STATE AID PURSUANT TO THIS  
6 SECTION, THE STATE BOARD SHALL COMPUTE AND CERTIFY THE AMOUNTS PAYABLE  
7 TO THE TAXING AUTHORITY. SUCH STATE AID SHALL BE PAYABLE UPON THE AUDIT  
8 AND WARRANT OF THE STATE COMPTROLLER FROM VOUCHERS CERTIFIED AND  
9 APPROVED BY THE STATE BOARD.

10 (D) THE STATE BOARD MAY AUDIT AN APPLICATION FOR STATE AID PURSUANT TO  
11 THIS SECTION WITHIN ONE YEAR AFTER AUTHORIZING PAYMENT THEREON. IF THE  
12 STATE BOARD SHOULD DISCOVER THAT A TAXING AUTHORITY HAS RECEIVED A  
13 GREATER OR LESSER AMOUNT OF SUCH AID THAN IT SHOULD HAVE RECEIVED, THE  
14 STATE BOARD SHALL SO NOTIFY THE TAXING AUTHORITY, AND SHALL CAUSE THE  
15 NEXT PAYMENT OF SUCH AID TO THE TAXING AUTHORITY TO BE ADJUSTED ACCORD-  
16 INGLY.

17 4. INSTALLMENT PAYMENTS. WHEN REAL PROPERTY TAXES ARE PAYABLE IN  
18 INSTALLMENTS PURSUANT TO LAW, THE TAX SAVINGS PROVIDED BY THIS SECTION  
19 SHALL BE APPLIED PROPORTIONALLY AGAINST THE RESPECTIVE INSTALLMENTS.

20 5. UNTIMELY PAYMENT OF TAXES. WHEN TAXES ON A PROPERTY SUBJECT TO A  
21 FIXED REAL PROPERTY ASSESSED VALUE PURSUANT TO SECTION FOUR HUNDRED  
22 THIRTY-ONE OF THIS CHAPTER ARE NOT PAID IN A TIMELY MANNER, INTEREST,  
23 PENALTIES AND ANY OTHER APPLICABLE CHARGES SHALL BE IMPOSED ONLY AGAINST  
24 THE BALANCE DUE AFTER THE TAX SAVINGS PROVIDED BY THIS SECTION HAVE BEEN  
25 DEDUCTED FROM THE TAXES OWED.

26 S 3. This act shall take effect immediately and shall apply to real  
27 property with a taxable status date after such effective date.