

3733

2009-2010 Regular Sessions

I N   S E N A T E

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Introduced by Sens. LAVALLE, DeFRANCISCO, FUSCHILLO, GOLDEN, GRIFFO,  
O. JOHNSON, LARKIN, LIBOUS, MORAHAN, PADAVAN, SEWARD, VOLKER, WINNER  
-- 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 establishing a  
capped real property school tax rate for persons seventy years of age  
or older who meet the eligibility requirements for the enhanced STAR  
exemption

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 SEVENTY YEARS OF AGE OR OVER; CAPPED REAL PROPERTY  
4     SCHOOL TAX RATE. 1. (A) RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED BY  
5     ONE OR MORE PERSONS, EACH OF WHOM IS SEVENTY YEARS OF AGE OR OVER AND  
6     MEETS EACH OF THE REQUIREMENTS FOR THE ENHANCED EXEMPTION FOR SENIOR  
7     CITIZENS SET FORTH IN SECTION FOUR HUNDRED TWENTY-FIVE OF THIS ARTICLE,  
8     OR RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED BY HUSBAND AND WIFE, ONE  
9     OF WHOM IS SEVENTY YEARS OF AGE OR OVER AND MEETS EACH OF THE REQUIRE-  
10    MENTS FOR THE ENHANCED EXEMPTION FOR SENIOR CITIZENS SET FORTH IN  
11    SECTION FOUR HUNDRED TWENTY-FIVE OF THIS ARTICLE, SHALL BE ELIGIBLE FOR  
12    THE CAPPED REAL PROPERTY SCHOOL TAX RATE SET FORTH IN THIS SECTION,  
13    PROVIDED THE SCHOOL DISTRICT, AFTER PUBLIC HEARING, ADOPTS A RESOLUTION  
14    PROVIDING THEREFOR.  
15    (B) FOR PURPOSES OF THIS SECTION, THE TERM "CAPPED REAL PROPERTY  
16    SCHOOL TAX RATE" SHALL MEAN THE LOWER OF:  
17    (I) THE REAL PROPERTY SCHOOL TAX RATE ESTABLISHED ON THE TAXABLE  
18    STATUS DATE NEXT SUCCEEDING THE DATE ON WHICH AN ELIGIBLE PERSON ATTAINS  
19    THE AGE OF SEVENTY YEARS; OR  
20    (II) THE REAL PROPERTY SCHOOL TAX RATE ESTABLISHED ON ANY TAXABLE  
21    STATUS DATE SUBSEQUENT TO THE DATE ON WHICH AN ELIGIBLE PERSON ATTAINS

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

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1 THE AGE OF SEVENTY YEARS, WHICH IS LOWER THAN THE REAL PROPERTY SCHOOL  
2 TAX RATE ESTABLISHED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH.

3 (C) THE CAPPED REAL PROPERTY SCHOOL TAX RATE SHALL BE DETERMINED ANNU-  
4 ALLY FOR EACH ELIGIBLE PERSON SEVENTY YEARS OF AGE OR OLDER IN ACCORD-  
5 ANCE WITH THE PROVISIONS OF PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION.

6 2. ANY PERSON ELIGIBLE FOR THE CAPPED REAL PROPERTY SCHOOL TAX RATE  
7 SHALL APPLY ANNUALLY FOR SUCH CAPPED RATE. SUCH APPLICATION SHALL BE  
8 MADE IN A MANNER AND FORM DETERMINED BY THE STATE BOARD AND SHALL  
9 REQUIRE PROOF OF THE APPLICANT'S AGE. SUCH APPLICATION SHALL BE FILED  
10 WITH THE LOCAL ASSESSOR ON OR BEFORE THE TAXABLE STATUS DATE FOR SUCH  
11 DISTRICT.

12 3. EVERY SCHOOL DISTRICT SHALL NOTIFY, OR CAUSE TO BE NOTIFIED, EACH  
13 PERSON OWNING RESIDENTIAL REAL PROPERTY IN THE SCHOOL DISTRICT OF THE  
14 PROVISIONS OF THIS SECTION. THE PROVISIONS OF THIS SUBDIVISION MAY BE  
15 MET BY A NOTICE SENT TO SUCH PERSONS IN SUBSTANTIALLY THE FOLLOWING  
16 FORM: "RESIDENTIAL REAL PROPERTY OWNED BY PERSONS SEVENTY YEARS OF AGE  
17 OR OLDER MAY BE ELIGIBLE FOR A CAPPED REAL PROPERTY SCHOOL TAX RATE. TO  
18 RECEIVE SUCH CAPPED RATE, ELIGIBLE OWNERS OF QUALIFYING PROPERTY MUST  
19 FILE AN APPLICATION WITH THEIR LOCAL ASSESSOR ON OR BEFORE THE APPLICA-  
20 BLE TAXABLE STATUS DATE. FOR FURTHER INFORMATION, PLEASE CONTACT YOUR  
21 LOCAL ASSESSOR."

22 4. A SCHOOL DISTRICT WHICH PROVIDES A CAPPED REAL PROPERTY SCHOOL TAX  
23 RATE FOR PERSONS SEVENTY YEARS OF AGE OR OVER PURSUANT TO THIS SECTION  
24 SHALL BE ELIGIBLE FOR REIMBURSEMENT BY THE DEPARTMENT OF EDUCATION, AS  
25 APPROVED BY THE COMMISSIONER OF EDUCATION, IN CONSULTATION WITH THE  
26 EXECUTIVE DIRECTOR OF THE OFFICE OF REAL PROPERTY SERVICES, FOR ONE  
27 HUNDRED PERCENT OF THE DIRECT COST TO SUCH SCHOOL DISTRICT RESULTING  
28 FROM THE IMPLEMENTATION OF THIS SECTION. SUCH DIRECT COST SHALL BE  
29 CALCULATED PURSUANT TO REGULATIONS OF THE COMMISSIONER OF EDUCATION, IN  
30 CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE OFFICE OF REAL PROPERTY  
31 SERVICES. A CLAIM FOR SUCH REIMBURSEMENT SHALL BE MADE BY SUCH SCHOOL  
32 DISTRICT IN A MANNER AND FORM PRESCRIBED BY THE COMMISSIONER OF EDUCA-  
33 TION.

34 S 2. Paragraph (a) of subdivision 1 of section 1306-b of the real  
35 property tax law, as amended by section 2 of part D-1 of chapter 57 of  
36 the laws of 2007, is amended to read as follows:

37 (a) If a parcel is entitled to the basic or enhanced STAR exemption  
38 authorized by section four hundred twenty-five of this chapter for the  
39 two thousand six-two thousand seven school year and each year thereaft-  
40 er, a local property tax rebate shall be provided to the owner or owners  
41 of such parcel as shown on the final assessment roll for such year, in  
42 an amount computed as prescribed by this section and section one hundred  
43 seventy-eight of the tax law. NO REBATE SHALL BE PROVIDED TO AN OWNER  
44 OR OWNERS WHO, PURSUANT TO SECTION FOUR HUNDRED THIRTY-ONE OF THIS CHAP-  
45 TER, HAVE ELECTED TO TAKE THE CAPPED SCHOOL TAX RATE FOR SUCH YEAR.

46 S 3. This act shall take effect on the first of January next succeed-  
47 ing the date on which it shall have become a law and shall apply to  
48 assessment rolls prepared on the basis of taxable status dates occurring  
49 on or after such date.