

10538

I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. TEDISCO, CROUCH, BURLING, RAIA -- Multi-Sponsored
by -- M. of A. ALFANO, BACALLES, BARCLAY, BUTLER, CALHOUN, CONTE,
FINCH, GIGLIO, KOLB, McDONOUGH, OAKS, O'MARA, QUINN, RABBITT, REILICH,
SALADINO, SAYWARD, THIELE, TOWNSEND -- read once and referred to the
Committee on Real Property Taxation

AN ACT to amend the real property tax law, the tax law, the administra-
tive code of the city of New York and the state finance law, in
relation to establishing a Co-STAR program for seniors and farmers

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 two new
2 sections 425-b and 425-c to read as follows:
3 S 425-B. CO-STAR PROGRAM FOR SENIOR CITIZENS. 1. GENERALLY. WHEN REAL
4 PROPERTY RECEIVES THE ENHANCED STAR EXEMPTION FROM SCHOOL DISTRICT TAXA-
5 TION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE, THE
6 PROPERTY SHALL BE DESIGNATED AS ELIGIBLE FOR A CO-STAR ASSESSMENT ON THE
7 SAME ASSESSMENT ROLL IN THE MANNER PROVIDED BY THIS SECTION, AND THE
8 QUALIFIED OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE ENTITLED TO A
9 COUNTY TAX REBATE IN THE AMOUNT AND MANNER PROVIDED BY SECTION ONE
10 HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW. NO SEPARATE APPLICATION NEED BE
11 FILED FOR SUCH CO-STAR ASSESSMENT OR REBATE.
12 2. CO-STAR ASSESSMENTS. (A) SUBJECT TO THE PROVISIONS OF PARAGRAPH (B)
13 OF THIS SUBDIVISION, THE CO-STAR ASSESSMENT FOR EACH ELIGIBLE PARCEL
14 SHALL BE EQUAL TO THE EXEMPT AMOUNT DETERMINED FOR PURPOSES OF THE
15 ENHANCED STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE
16 OF THIS TITLE FOR THE ASSESSING UNIT IN WHICH THE PARCEL IS LOCATED.
17 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
18 SION, IN NO EVENT SHALL THE CO-STAR ASSESSMENT OF A PARCEL EXCEED THE
19 TAXABLE ASSESSED VALUE OF THAT PARCEL FOR COUNTY PURPOSES.
20 3. ENTRY ON ASSESSMENT ROLL; EFFECT. EACH PARCEL WHICH IS ELIGIBLE FOR
21 A CO-STAR ASSESSMENT SHALL BE DESIGNATED AS SUCH BY THE ASSESSOR ON THE
22 ASSESSMENT ROLL, PROVIDED, HOWEVER, THAT A CO-STAR ASSESSMENT SHALL NOT
23 AFFECT THE TOTAL OR TAXABLE ASSESSED VALUE OF ANY PARCEL FOR ANY
24 PURPOSE, AND SHALL NOT BE CONSIDERED WHEN DETERMINING THE TAX RATE OF

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

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1 ANY COUNTY OR FOR ANY PURPOSE OTHER THAN DETERMINING THE REBATE TO WHICH
2 THE OWNER-APPLICANT OR OWNER-APPLICANTS ARE ENTITLED UNDER SECTION ONE
3 HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW.

4 4. PAYMENT OF CO-STAR REBATES. THE COMMISSIONER OF TAXATION AND
5 FINANCE SHALL PAY CO-STAR REBATES IN THE MANNER PROVIDED BY SECTION ONE
6 HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW.

7 5. FAILURE TO PAY COUNTY TAXES. IF THE COUNTY TAXES ON AN ELIGIBLE
8 PARCEL ARE NOT PAID IN FULL DURING THE APPLICABLE COUNTY FISCAL YEAR,
9 THE OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE SUBJECT TO THE CONSEQUENCES SPECIFIED IN SUBDIVISION SIX OF SECTION ONE HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW, IN ADDITION TO SUCH OTHER CONSEQUENCES AS MAY BE PROVIDED BY LAW.

13 6. EXCEPTIONS. (A) COOPERATIVE APARTMENT UNITS AND MOBILE HOMES. WHEN
14 AN ENHANCED STAR EXEMPTION IS GRANTED PURSUANT TO PARAGRAPH (K) OF
15 SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE IN
16 RELATION TO A COOPERATIVE APARTMENT UNIT, OR PURSUANT TO PARAGRAPH (L)
17 OF SUCH SUBDIVISION IN RELATION TO A MOBILE HOME WHICH IS SEPARATELY
18 OWNED FROM BUT ASSESSED WITH THE LAND ON WHICH IT IS LOCATED, AND SUCH
19 COOPERATIVE APARTMENT UNIT OR MOBILE HOME IS ALSO ELIGIBLE FOR A CO-STAR
20 ASSESSMENT PURSUANT TO THIS SECTION, THE CO-STAR REBATE SHALL BE PAID
21 DIRECTLY TO THE QUALIFIED OWNER-APPLICANT OR OWNER-APPLICANTS NOTWITH-
22 STANDING THE FACT THAT THE STAR EXEMPTION APPLIES TO THE PARCEL ITSELF.
23 THE ASSESSOR SHALL PREPARE A LIST OR DATA FILE IDENTIFYING SUCH
24 OWNER-APPLICANT OR OWNER-APPLICANTS, THEIR MAILING ADDRESSES, AND THE
25 TAXABLE ASSESSED VALUE FOR COUNTY PURPOSES ATTRIBUTABLE TO THEIR RESPECTIVE COOPERATIVE APARTMENT UNITS OR MOBILE HOMES, AND SHALL SUBMIT THE SAME TO THE STATE BOARD WITHIN THIRTY DAYS AFTER THE COMPLETION OF THE FINAL ASSESSMENT ROLL. SUCH LIST OR DATA FILE SHALL BE PREPARED IN SUCH FORM AND MANNER AS MAY BE PRESCRIBED BY THE STATE BOARD IN CONSULTATION WITH THE DEPARTMENT OF TAXATION AND FINANCE.

31 (B) COUNTIES IN CERTAIN CITIES. IN THE CASE OF A COUNTY LOCATED WHOLLY
32 WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE
33 CO-STAR ASSESSMENT ASSOCIATED WITH EACH ELIGIBLE PARCEL SHALL BE EQUAL
34 TO FIFTY PERCENT OF THE EXEMPT AMOUNT DETERMINED FOR PURPOSES OF THE
35 ENHANCED STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE
36 OF THIS TITLE FOR SUCH CITY AFTER THE ADJUSTMENT REQUIRED BY PARAGRAPH
37 (J) OF SUBDIVISION TWO OF SUCH SECTION.

38 7. CORRECTION OF AN INCORRECT ENTRY. AN INCORRECT ENTRY ON AN ASSESS-
39 MENT ROLL OF A CO-STAR ASSESSMENT MAY BE CORRECTED IN THE MANNER
40 PROVIDED BY LAW FOR THE CORRECTION OF AN INCORRECT ENTRY OF THE STAR
41 EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE.
42 A DENIAL OF A CO-STAR ASSESSMENT SHALL BE SUBJECT TO ADMINISTRATIVE AND
43 JUDICIAL REVIEW IN THE MANNER PROVIDED BY LAW FOR THE REVIEW OF ASSESS-
44 MENTS.

45 8. INCONSISTENT LAWS SUPERSEDED. THE PROVISIONS OF THIS SECTION SHALL
46 APPLY TO ALL ASSESSING UNITS, EXCLUDING VILLAGE ASSESSING UNITS AND
47 CITIES WITHIN A COUNTY ASSESSING UNIT, AND TO ALL COUNTIES, NOTWITH-
48 STANDING ANY PROVISION OF LAW TO THE CONTRARY.

49 S 425-C. CO-STAR PROGRAM FOR FARMERS. 1. GENERALLY. WHEN REAL PROPERTY
50 IS THE PRIMARY RESIDENCE OF AN ELIGIBLE FARMER AS DEFINED IN THIS
51 SECTION AND THE REQUIREMENTS OF THIS SECTION ARE OTHERWISE SATISFIED,
52 THE PROPERTY SHALL BE DESIGNATED AS ELIGIBLE FOR A CO-STAR ASSESSMENT IN
53 THE MANNER PROVIDED BY THIS SECTION, AND THE QUALIFIED OWNER-APPLICANT
54 OR OWNER-APPLICANTS SHALL BE ENTITLED TO A COUNTY TAX REBATE IN THE
55 AMOUNT AND MANNER PROVIDED BY SECTION ONE HUNDRED SEVENTY-SEVEN-A OF THE
56 TAX LAW.

2. CO-STAR ASSESSMENTS. (A) SUBJECT TO THE PROVISIONS OF PARAGRAPH (B) OF THIS SUBDIVISION, THE CO-STAR ASSESSMENT FOR EACH ELIGIBLE PARCEL SHALL BE EQUAL TO THE EXEMPT AMOUNT DETERMINED FOR PURPOSES OF THE BASIC STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE FOR THE ASSESSING UNIT IN WHICH THE PARCEL IS LOCATED.

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, IN NO EVENT SHALL THE CO-STAR ASSESSMENT OF A PARCEL EXCEED THE TAXABLE ASSESSED VALUE OF THAT PARCEL FOR COUNTY PURPOSES.

3. ELIGIBILITY REQUIREMENTS. TO BE DESIGNATED AS ELIGIBLE FOR A CO-STAR ASSESSMENT PURSUANT TO THIS SECTION, THE PROPERTY MUST BE RECEIVING THE BASIC STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE ON THE SAME ASSESSMENT ROLL, AND MUST BE OWNED BY, AND SERVE AS THE PRIMARY RESIDENCE OF, AN ELIGIBLE FARMER AS DEFINED IN THIS SECTION. PROVIDED, HOWEVER, THAT A PARCEL WHICH RECEIVES A CO-STAR ASSESSMENT PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE-A OF THIS TITLE MAY NOT ALSO RECEIVE A CO-STAR ASSESSMENT PURSUANT TO THIS SECTION ON THE SAME ASSESSMENT ROLL.

4. ELIGIBLE FARMERS. FOR PURPOSES OF THIS SECTION, A PERSON IS AN ELIGIBLE FARMER IF HE OR SHE SATISFIES ONE OR MORE OF THE FOLLOWING CONDITIONS:

(A) HE OR SHE IS ELIGIBLE FOR AND HAS CLAIMED THE AGRICULTURAL PROPERTY TAX CREDIT AUTHORIZED BY SUBSECTION (N) OF SECTION SIX HUNDRED SIX OF THE TAX LAW, COMMONLY KNOWN AS THE FARMERS' SCHOOL TAX CREDIT, ON HIS OR HER NEW YORK STATE PERSONAL INCOME TAX RETURN FOR THE INCOME TAX YEAR IDENTIFIED IN SUBPARAGRAPH (I) OF PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE, PROVIDED THAT NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO AUTHORIZE OR REQUIRE THE ASSESSOR TO VERIFY AN APPLICANT'S ELIGIBILITY FOR SUCH CREDIT; OR

(B) HE OR SHE OWNS A SUBSTANTIAL INTEREST IN LAND WHICH RECEIVES, OR WHICH IS ELIGIBLE TO RECEIVE, AN AGRICULTURAL ASSESSMENT PURSUANT TO SECTION THREE HUNDRED FIVE OR THREE HUNDRED SIX OF THE AGRICULTURE AND MARKETS LAW ON THE CURRENT ASSESSMENT ROLL. SUCH LAND NEED NOT BE LOCATED IN THE SAME ASSESSING UNIT AS THE ELIGIBLE FARMER'S PRIMARY RESIDENCE. FOR PURPOSES OF THIS SECTION, A PERSON OWNS A SUBSTANTIAL INTEREST IN SUCH LAND IF HE OR SHE, OR HIS OR HER SPOUSE:

(I) INDIVIDUALLY OWNS, OR OWNS JOINTLY WITH HIS OR HER SPOUSE, AT LEAST A TWENTY-FIVE PERCENT INTEREST IN SUCH LAND;

(II) IS A PARTNER, WITH AT LEAST A TWENTY-FIVE PERCENT INTEREST, IN A PARTNERSHIP WHICH OWNS SUCH LAND; OR

(III) OWNS AT LEAST TWENTY-FIVE PERCENT OF THE STOCK OF A CORPORATION WHICH OWNS SUCH LAND.

5. APPLICATION PROCEDURE. (A) GENERALLY. AN ELIGIBLE FARMER MUST FILE AN APPLICATION FOR A CO-STAR ASSESSMENT WITH THE ASSESSOR EACH YEAR ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE. EACH SUCH APPLICATION SHALL BE MADE ONLY ON A FORM PRESCRIBED OR APPROVED BY THE STATE BOARD; PROVIDED, THAT EFFECTIVE WITH THE TWO THOUSAND TEN ASSESSMENT ROLL, THE APPLICATION FORM FOR THE AGRICULTURAL ASSESSMENT SHALL BE DESIGNED SO THAT IT MAY ALSO SERVE AS AN APPLICATION FOR A CO-STAR ASSESSMENT PURSUANT TO THIS SECTION, WHERE APPROPRIATE.

(B) APPROVAL OR DENIAL OF APPLICATION. IF THE ASSESSOR IS SATISFIED THAT A PARCEL IS ENTITLED TO A CO-STAR ASSESSMENT PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICATION. IF THE ASSESSOR DETERMINES THAT A PARCEL IS NOT ENTITLED TO A CO-STAR ASSESSMENT, HE OR SHE SHALL, NOT LATER THAN TEN DAYS PRIOR TO THE DATE FOR HEARING COMPLAINTS IN RELATION TO ASSESSMENTS, MAIL TO THE APPLICANT A NOTICE OF DENIAL OF THAT APPLICATION FOR THE CO-STAR ASSESSMENT FOR THAT YEAR; EXCEPT IN A

CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS, SUCH NOTICE SHALL BE MAILED NOT LATER THAN THIRTY DAYS PRIOR TO THE FINAL DATE FOR FILING AN ASSESSMENT APPEAL. THE NOTICE OF DENIAL SHALL SPECIFY EACH REASON FOR SUCH DENIAL AND SHALL BE SENT ON A FORM PRESCRIBED BY THE STATE BOARD. FAILURE TO MAIL ANY SUCH NOTICE OF DENIAL OR THE FAILURE OF ANY PERSON TO RECEIVE SUCH NOTICE SHALL NOT PREVENT THE LEVY, COLLECTION AND ENFORCEMENT OF THE TAXES ON PROPERTY OWNED BY SUCH PERSON.

(C) CONFIDENTIALITY. ANY INFORMATION OR DOCUMENTATION SUBMITTED WITH THE APPLICATION TO VERIFY THAT THE APPLICANT HAS CLAIMED THE AGRICULTURAL PROPERTY TAX CREDIT AUTHORIZED BY SUBSECTION (N) OF SECTION SIX HUNDRED SIX OF THE TAX LAW, COMMONLY KNOWN AS THE FARMERS' SCHOOL TAX CREDIT, SHALL BE DEEMED CONFIDENTIAL, AND THE ASSESSOR, ANY MUNICIPAL OFFICER OR MUNICIPAL EMPLOYEES ARE PROHIBITED FROM DISCLOSING ANY SUCH INFORMATION, EXCEPT FOR ANY DISCLOSURE NECESSARY IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. ANY UNAUTHORIZED DISCLOSURE OF SUCH INFORMATION SHALL BE DEEMED A VIOLATION OF SECTION EIGHT HUNDRED FIVE-A OF THE GENERAL MUNICIPAL LAW.

6. ENTRY ON ASSESSMENT ROLL; EFFECT. EACH PARCEL WHICH IS ELIGIBLE FOR A CO-STAR ASSESSMENT SHALL BE IDENTIFIED AS SUCH BY THE ASSESSOR ON THE ASSESSMENT ROLL, PROVIDED, HOWEVER, THAT A CO-STAR ASSESSMENT SHALL NOT AFFECT THE TOTAL OR TAXABLE ASSESSED VALUE OF ANY PARCEL FOR ANY PURPOSE, AND SHALL NOT BE CONSIDERED WHEN DETERMINING THE TAX RATE OF ANY COUNTY OR FOR ANY PURPOSE OTHER THAN DETERMINING THE REBATE TO WHICH THE OWNER-APPLICANT OR OWNER-APPLICANTS ARE ENTITLED UNDER SECTION ONE HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW.

7. PAYMENT OF CO-STAR REBATES. THE COMMISSIONER OF TAXATION AND FINANCE SHALL PAY CO-STAR REBATES IN THE MANNER PROVIDED BY SECTION ONE HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW.

8. FAILURE TO PAY COUNTY TAXES. IF THE COUNTY TAXES ON AN ELIGIBLE PARCEL ARE NOT PAID IN FULL DURING THE APPLICABLE COUNTY FISCAL YEAR, THE OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE SUBJECT TO THE CONSEQUENCES SPECIFIED IN SUBDIVISION SIX OF SECTION ONE HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW, IN ADDITION TO SUCH OTHER CONSEQUENCES AS MAY BE PROVIDED BY LAW.

9. EXCEPTIONS. (A) COOPERATIVE APARTMENT UNITS AND MOBILE HOMES. WHEN A STAR EXEMPTION IS GRANTED PURSUANT TO PARAGRAPH (K) OF SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE IN RELATION TO A COOPERATIVE APARTMENT UNIT, OR PURSUANT TO PARAGRAPH (L) OF SUCH SUBDIVISION IN RELATION TO A MOBILE HOME WHICH IS SEPARATELY OWNED FROM BUT ASSESSED WITH THE LAND ON WHICH IT IS LOCATED, AND SUCH COOPERATIVE APARTMENT UNIT OR MOBILE HOME IS ALSO ELIGIBLE FOR A CO-STAR ASSESSMENT PURSUANT TO THIS SECTION, THE CO-STAR REBATE SHALL BE PAID DIRECTLY TO THE QUALIFIED OWNER-APPLICANT OR OWNER-APPLICANTS NOTWITHSTANDING THE FACT THAT THE STAR EXEMPTION APPLIES TO THE PARCEL ITSELF. THE ASSESSOR SHALL PREPARE A LIST OR DATA FILE IDENTIFYING SUCH OWNER-APPLICANT OR OWNER-APPLICANTS, THEIR MAILING ADDRESSES, AND THE TAXABLE ASSESSED VALUE FOR COUNTY PURPOSES ATTRIBUTABLE TO THEIR RESPECTIVE COOPERATIVE APARTMENT UNITS OR MOBILE HOMES, AND SHALL SUBMIT THE SAME TO THE STATE BOARD WITHIN THIRTY DAYS AFTER THE COMPLETION OF THE FINAL ASSESSMENT ROLL. SUCH LIST OR DATA FILE SHALL BE PREPARED IN SUCH FORM AND MANNER AS MAY BE PRESCRIBED BY THE STATE BOARD OF REAL PROPERTY SERVICES IN CONSULTATION WITH THE DEPARTMENT OF TAXATION AND FINANCE.

(B) COUNTIES IN CERTAIN CITIES. IN THE CASE OF A COUNTY LOCATED WHOLLY WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE CO-STAR ASSESSMENT ASSOCIATED WITH EACH ELIGIBLE PARCEL SHALL BE EQUAL

1 TO FIFTY PERCENT OF THE EXEMPT AMOUNT DETERMINED FOR PURPOSES OF THE
2 BASIC STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF
3 THIS TITLE FOR SUCH CITY AFTER THE ADJUSTMENT REQUIRED BY PARAGRAPH (J)
4 OF SUBDIVISION TWO OF SUCH SECTION.

5 10. CORRECTION OF AN INCORRECT ENTRY. AN INCORRECT ENTRY ON AN
6 ASSESSMENT ROLL OF A CO-STAR ASSESSMENT MAY BE CORRECTED IN THE MANNER
7 PROVIDED BY LAW FOR THE CORRECTION OF AN INCORRECT ENTRY OF THE STAR
8 EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE.
9 A DENIAL OF A CO-STAR ASSESSMENT SHALL BE SUBJECT TO ADMINISTRATIVE AND
10 JUDICIAL REVIEW IN THE MANNER PROVIDED BY LAW FOR THE REVIEW OF ASSESS-
11 MENTS.

12 11. INCONSISTENT LAWS SUPERSEDED. THE PROVISIONS OF THIS SECTION SHALL
13 APPLY TO ALL ASSESSING UNITS, EXCLUDING VILLAGE ASSESSING UNITS AND
14 CITIES WITHIN A COUNTY ASSESSING UNIT, AND TO ALL COUNTIES, NOTWITH-
15 STANDING ANY PROVISION OF LAW TO THE CONTRARY.

16 S 2. The tax law is amended by adding a new section 177-a to read as
17 follows:

18 S 177-A. CO-STAR TAX REBATES. 1. PAYMENT OF REBATES. THE COMMISSIONER
19 SHALL PAY CO-STAR TAX REBATES, AS PROVIDED IN SECTION FOUR HUNDRED TWEN-
20 TY-FIVE-B AND SECTION FOUR HUNDRED TWENTY-FIVE-C OF THE REAL PROPERTY
21 TAX LAW, TO AUTHORIZED PAYEES AS DEFINED IN THIS SECTION. THE AMOUNT OF
22 EACH SUCH REBATE SHALL EQUAL THE CO-STAR ASSESSMENT ASSOCIATED WITH THE
23 PARCEL IN QUESTION MULTIPLIED BY THE APPLICABLE COUNTY TAX RATE. SUCH
24 PAYMENTS SHALL BE MADE AS PROMPTLY AS POSSIBLE FOLLOWING RECEIPT OF THE
25 PAYEE IDENTIFICATION AND OTHER INFORMATION SPECIFIED IN THIS SECTION,
26 SUBJECT TO APPROPRIATION BY THE STATE LEGISLATURE. THE COMMISSIONER AND
27 THE EXECUTIVE DIRECTOR OF THE STATE OFFICE OF REAL PROPERTY SERVICES
28 SHALL JOINTLY DESIGN, DEVELOP AND IMPLEMENT A PROCESS TO REVIEW THE
29 QUALITY AND INTEGRITY OF THE CO-STAR INFORMATION IN THEIR POSSESSION.
30 THE COMMISSIONER AND SUCH EXECUTIVE DIRECTOR MAY ENTER INTO A COOPER-
31 ATIVE AGREEMENT TO ESTABLISH THE REVIEW PROCESS.

32 2. AUTHORIZED PAYEES; MAILING ADDRESSES. (A) FOR EACH ELIGIBLE PROPER-
33 TY, THE CO-STAR REBATE SHALL BE PAID TO THE QUALIFIED OWNER-APPLICANT OR
34 OWNER-APPLICANTS AS DEFINED HEREIN, OR HIS, HER OR THEIR PAYMENT DESIG-
35 NEE OR DESIGNEES, IF ANY. IN THE CASE OF CO-STAR ASSESSMENTS GRANTED
36 PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE-B OF THE REAL PROPERTY TAX
37 LAW, THE QUALIFIED OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE THE
38 SENIOR CITIZEN OR CITIZENS WHO APPLIED FOR, AND WERE FOUND TO SATISFY
39 THE REQUIREMENTS OF, THE ENHANCED STAR EXEMPTION AUTHORIZED BY SECTION
40 FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW. IN THE CASE OF
41 CO-STAR ASSESSMENTS GRANTED PURSUANT TO SECTION FOUR HUNDRED
42 TWENTY-FIVE-C OF THE REAL PROPERTY TAX LAW, THE QUALIFIED OWNER-APPLI-
43 CANT OR OWNER-APPLICANTS SHALL BE THE ELIGIBLE FARMER OR FARMERS WHO
44 APPLIED FOR, AND WERE FOUND TO SATISFY THE REQUIREMENTS OF, THE CO-STAR
45 ASSESSMENT AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE-C OF THE REAL
46 PROPERTY TAX LAW.

47 (B) THE CO-STAR REBATE SHALL BE MAILED TO THE MAILING ADDRESS PROVIDED
48 EITHER ON THE APPLICATION FORM FOR THE ENHANCED STAR EXEMPTION SUBMITTED
49 PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX
50 LAW, OR ON THE CO-STAR APPLICATION FORM SUBMITTED PURSUANT TO SECTION
51 FOUR HUNDRED TWENTY-FIVE-C OF THE REAL PROPERTY TAX LAW, AS THE CASE MAY
52 BE, OR AS OTHERWISE RELIABLY OBTAINED BY THE DEPARTMENT.

53 3. REPORTING OF DATA TO DEPARTMENT. (A) WHEN DEVELOPING OR MAINTAINING
54 ITS DATA BASE FOR PURPOSES OF ADMINISTERING ITS RESPONSIBILITIES UNDER
55 THIS SECTION, THE DEPARTMENT SHALL UTILIZE TO THE MAXIMUM EXTENT POSSI-
56 BLE DATA EXTRACTED FROM THE ASSESSMENT ROLL DATA FILES SUBMITTED TO THE

1 STATE BOARD OF REAL PROPERTY SERVICES PURSUANT TO ARTICLE FIFTEEN-C OF
2 THE REAL PROPERTY TAX LAW. ON OR BEFORE NOVEMBER FIRST OF EACH YEAR,
3 SUCH STATE BOARD SHALL ASCERTAIN FROM SUCH DATA FILES, AND SHALL FORWARD
4 TO THE DEPARTMENT, THE IDENTIFICATION NUMBERS OF THE PARCELS DESIGNATED
5 THEREON AS ELIGIBLE FOR CO-STAR ASSESSMENTS, THE NAMES OF THE OWNERS OF
6 EACH SUCH PARCEL AS APPEARING THEREON, THE TAXABLE ASSESSED VALUE FOR
7 COUNTY PURPOSES OF EACH SUCH PARCEL AS APPEARING THEREON, AND THE
8 ASSESSING UNIT IN WHICH EACH SUCH PARCEL IS LOCATED. CONCURRENTLY THERE-
9 WITH, SUCH STATE BOARD SHALL ALSO PROVIDE TO THE DEPARTMENT THE MAXIMUM
10 ALLOWABLE CO-STAR ASSESSMENTS APPLICABLE TO EACH ASSESSING UNIT.

11 (B) FOR PURPOSES OF ADMINISTERING ITS RESPONSIBILITIES UNDER THIS
12 SECTION IN RELATION TO COOPERATIVE APARTMENT UNITS AND MOBILE HOMES, THE
13 DEPARTMENT SHALL ALSO UTILIZE DATA EXTRACTED FROM THE LISTS AND DATA
14 FILES SUBMITTED TO SUCH STATE BOARD BY ASSESSORS PURSUANT TO PARAGRAPH
15 (A) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED TWENTY-FIVE-B OF THE REAL
16 PROPERTY TAX LAW AND PARAGRAPH (A) OF SUBDIVISION NINE OF SECTION FOUR
17 HUNDRED TWENTY-FIVE-C OF THE REAL PROPERTY TAX LAW. ON OR BEFORE NOVEM-
18 BER FIRST OF EACH YEAR, SUCH STATE BOARD SHALL ASCERTAIN FROM SUCH LISTS
19 AND DATA FILES, AND SHALL FORWARD TO THE DEPARTMENT, THE NAMES AND
20 ADDRESSES OF THE OWNER-APPLICANTS AS SHOWN THEREON, THEIR MAILING
21 ADDRESSES AS SHOWN THEREON, THE TAXABLE ASSESSED VALUE FOR COUNTY
22 PURPOSES ATTRIBUTABLE TO THEIR RESPECTIVE COOPERATIVE APARTMENT UNITS OR
23 MOBILE HOMES, AND THE ASSESSING UNIT IN WHICH EACH SUCH COOPERATIVE
24 APARTMENT UNIT OR MOBILE HOME IS LOCATED.

25 (C) THE COUNTY TREASURER OF EACH COUNTY SHALL CERTIFY TO THE COMMIS-
26 SIONER, NO LATER THAN THE THIRTY-FIRST DAY OF JANUARY OF EACH COUNTY
27 FISCAL YEAR, THE COUNTY TAX RATES APPLICABLE TO EACH CITY AND TOWN WITH-
28 IN THE COUNTY FOR THAT FISCAL YEAR. IN THE CASE OF A COUNTY LOCATED
29 WHOLLY WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABIT-
30 ANTS, THE COMMISSIONER OF FINANCE OF SUCH CITY SHALL MAKE SUCH CERTIF-
31 ICATION; PROVIDED THAT THE TAX RATE TO BE PROVIDED THEREUNDER, AND USED
32 TO COMPUTE CO-STAR REBATES PURSUANT TO THIS SECTION, SHALL BE A COMPOS-
33 ITE OF THE TAX RATES FOR BOTH CITY AND SCHOOL DISTRICT PURPOSES.

34 (D) IN ADDITION TO RECEIVING DATA PURSUANT TO PARAGRAPHS (A), (B) AND
35 (C) OF THIS SUBDIVISION, THE DEPARTMENT MAY ENTER INTO AGREEMENTS WITH
36 SUCH STATE BOARD, WITH LOCAL ASSESSORS, WITH COUNTY TREASURERS, OR WITH
37 SOME OR ALL OF SUCH PARTIES, FOR THE REPORTING TO THE DEPARTMENT OF SUCH
38 OTHER DATA AS MAY BE REQUIRED FOR ITS ADMINISTRATION OF THE CO-STAR TAX
39 REBATE PROGRAM. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO
40 PRECLUDE THE DEPARTMENT FROM COLLECTING DIRECTLY FROM PUTATIVE PAYEES
41 SUCH DATA AS IT SHALL DEEM APPROPRIATE.

42 (E) INFORMATION PROVIDED TO OR PREPARED BY THE DEPARTMENT PURSUANT TO
43 THIS SECTION SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN ADMINISTRATION
44 OF THE CO-STAR PROGRAM, AND SUCH INFORMATION SHALL NOT BE REDISCLOSED
45 OTHER THAN FOR THE PURPOSE OF ADMINISTERING SUCH PROGRAM NOR SHALL THE
46 PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW APPLY TO ANY SUCH
47 INFORMATION.

48 4. CONSTRUCTION OR INTERPRETATION OF CERTAIN PROVISIONS OR TERMS. WHEN
49 THE PROPER PAYMENT OF A TAX REBATE UNDER THIS SECTION DEPENDS UPON
50 CONSTRUCTION OF THE MEANING OF THE PROVISIONS OF SECTION FOUR HUNDRED
51 TWENTY-FIVE-B OR FOUR HUNDRED TWENTY-FIVE-C OF THE REAL PROPERTY TAX LAW
52 (AND ANY RELATED PROVISIONS OF SUCH LAW) OR INTERPRETATION OF THE TERMS
53 CONTAINED THEREIN, IT SHALL BE THE RESPONSIBILITY OF THE STATE BOARD OF
54 REAL PROPERTY SERVICES TO PROVIDE TO THE DEPARTMENT THE CONSTRUCTION OR
55 INTERPRETATION OF ANY SUCH PROVISIONS OR TERMS.

1 5. LIMITATIONS. PAYMENT OF A REBATE UPON THE INFORMATION PROVIDED TO
2 IT, OR DENIAL OF OR FAILURE TO PAY A REBATE BASED ON SUCH INFORMATION,
3 SHALL RELIEVE THE COMMISSIONER AND THE DEPARTMENT FROM ALL LIABILITY TO
4 ANY OWNER OF THE PROPERTY, OR THE ESTATE, TRUST, ASSIGNS, SUCCESSORS,
5 HEIRS OR REPRESENTATIVES OF ANY SUCH OWNER, OR ANY OTHER PERSON, WITH
6 RESPECT TO SUCH PAYMENT, AND SUCH PERSONS SHALL HAVE NO RIGHT TO
7 COMMENCE A COURT ACTION OR PROCEEDING OR TO ANY OTHER LEGAL RECOURSE
8 AGAINST THE STATE, THE COMMISSIONER, THE DEPARTMENT, OR ANY OFFICER OR
9 EMPLOYEE OF STATE OR LOCAL GOVERNMENT INVOLVED IN THE ADMINISTRATION OF
10 THIS PROGRAM, TO RECOVER SUCH PAYMENT.

11 6. FAILURE TO PAY COUNTY TAXES. (A) AFTER THE CONCLUSION OF EACH COUN-
12 TY FISCAL YEAR, THE COUNTY TREASURER OF EACH COUNTY SHALL SUBMIT TO THE
13 COMMISSIONER A LIST IDENTIFYING ALL PARCELS WITH RESPECT TO WHICH THE
14 COUNTY TAXES FOR THAT FISCAL YEAR REMAINED UNPAID AS OF THE END OF THAT
15 FISCAL YEAR. IN THE CASE OF A COUNTY LOCATED WHOLLY WITHIN A CITY WITH A
16 POPULATION OF ONE MILLION OR MORE INHABITANTS, SUCH LIST SHALL BE
17 SUBMITTED BY THE COMMISSIONER OF FINANCE OF SUCH CITY AND SHALL IDENTIFY
18 ALL PARCELS WITH RESPECT TO WHICH THE CITY TAXES FOR THAT FISCAL YEAR
19 REMAINED UNPAID AS OF THE END OF THAT FISCAL YEAR. SUCH LIST SHALL BE
20 SUBMITTED TO THE COMMISSIONER WHEN SUBMITTING THE REPORT DESCRIBED IN
21 PARAGRAPH (C) OF SUBDIVISION THREE OF THIS SECTION.

22 (B) UPON RECEIVING SUCH A LIST, THE COMMISSIONER SHALL WITHHOLD ANY
23 FUTURE CO-STAR REBATE PAYMENTS TO THE OWNER-APPLICANTS IN RELATION TO
24 ANY PARCELS ON THE LIST UNTIL RECEIVING CONFIRMATION THAT ALL OUTSTAND-
25 ING COUNTY TAXES ON THE PARCEL IN QUESTION HAVE BEEN PAID IN FULL. IT
26 SHALL BE THE RESPONSIBILITY OF THE OWNER-APPLICANT TO OBTAIN SUCH
27 CONFIRMATION IN WRITING FROM THE COUNTY TREASURER, AND TO PROVIDE THE
28 SAME TO THE DEPARTMENT IN SUCH MANNER AS THE COMMISSIONER MAY PRESCRIBE.
29 AFTER RECEIVING SUCH CONFIRMATION, ANY WITHHELD REBATES FOR WHICH THE
30 OWNER-APPLICANT IS ELIGIBLE AND HAS TIMELY APPLIED SHALL BE RELEASED AND
31 FUTURE REBATE PAYMENTS MAY BE MADE, SUBJECT TO CONTINUED ELIGIBILITY AND
32 CONTINUOUS PAYMENT OF FUTURE COUNTY TAXES. NO INTEREST SHALL BE PAID OR
33 PAYABLE ON ANY WITHHELD REBATES THAT ARE SO RELEASED. THE COMMISSIONER
34 MAY SCHEDULE THE PROCESSING OF REQUESTS FOR THE RELEASE OF WITHHELD
35 REBATES SO AS TO ALLOW PAYMENTS TO BE COLLECTIVELY AUTHORIZED FOR THIS
36 PURPOSE NO MORE FREQUENTLY THAN TWICE PER CALENDAR YEAR.

37 (C) IF SUCH CONFIRMATION IS NOT RECEIVED WITHIN A TIME PERIOD TO BE
38 DETERMINED BY THE COMMISSIONER, THE COMMISSIONER MAY REVOKE THE CO-STAR
39 REBATE FOR THE COUNTY FISCAL YEAR IDENTIFIED IN PARAGRAPH (A) OF THIS
40 SUBDIVISION AND RECAPTURE THE APPLICABLE AMOUNT IN THE MANNER PRESCRIBED
41 BY SUBDIVISION SEVEN OF THIS SECTION.

42 7. ERRONEOUS REBATES; REPLACEMENT CHECKS. THE COMMISSIONER MAY, IN HIS
43 OR HER DISCRETION, SEEK TO RECOVER ANY ERRONEOUS REBATE BY NOTIFYING THE
44 PAYEE OF THE AMOUNT THEREOF. IF SUCH ERRONEOUS REBATE IS NOT RETURNED
45 WITHIN THIRTY DAYS, THE COMMISSIONER IS AUTHORIZED TO TREAT THE ERRONE-
46 OUS REBATE AS AN ERRONEOUS REFUND OF INCOME TAX PURSUANT TO THE
47 PROVISIONS OF PARAGRAPH FIVE OF SUBSECTION (C) OF SECTION SIX HUNDRED
48 EIGHTY-THREE OF THIS CHAPTER AND SUCH AMOUNTS, WHEN COLLECTED, SHALL BE
49 DEPOSITED AS PROVIDED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SEVEN-
50 TY-ONE-A OF THIS ARTICLE, AS IF SUCH AMOUNTS WERE TAXES COLLECTED UNDER
51 AN ARTICLE OF THIS CHAPTER REFERRED TO IN SUCH SUBDIVISION. WHERE THE
52 COMMISSIONER FINDS THAT AN ORIGINAL REBATE CHECK HAS BEEN MISDIRECTED
53 FOR REASONS BEYOND THE CONTROL OF THE AUTHORIZED PAYEE, HE OR SHE MAY
54 ISSUE A NEW REBATE CHECK TO THE AUTHORIZED PAYEE.

55 8. REGULATIONS. THE COMMISSIONER SHALL BE AUTHORIZED TO MAKE SUCH
56 RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY FOR THE PERFORMANCE OF

1 HIS OR HER DUTIES UNDER THIS SECTION, INCLUDING BUT NOT LIMITED TO RULES
2 AND REGULATIONS RELATING TO STANDARDS AND PROCEDURES FOR FURNISHING DATA
3 TO THE DEPARTMENT.

4 S 3. Processing of Co-STAR assessments for senior citizens on the
5 assessment roll. (a) Notwithstanding the provisions of section 425-b of
6 the real property tax law, as added by section one of this act, parcels
7 which are eligible for Co-STAR assessments pursuant to such section
8 shall not be designated as such on the 2009 assessment roll. In lieu
9 thereof, upon receipt of the 2009 assessment roll data file submitted to
10 it pursuant to section 1590 of the real property tax law, the state
11 board of real property services shall identify the parcels thereon which
12 are receiving the enhanced STAR exemption pursuant to section 425 of the
13 real property tax law, shall ascertain the taxable assessed value for
14 county purposes of each such parcel, and shall forward such information
15 to the department of taxation and finance, together with the maximum
16 allowable Co-STAR assessments for each assessing unit.

17 (b) Notwithstanding the provisions of section 177-a of the tax law, as
18 added by section two of this act, for purposes of issuing rebates of
19 county taxes for the county fiscal year beginning in 2010, the depart-
20 ment of taxation and finance may presume that the qualified owner-appli-
21 cant or owner-applicants were the property owner or owners as of the
22 applicable taxable status date, as shown on the assessment roll data
23 file filed with the state board of real property services pursuant to
24 article 15-C of the real property tax law, and may further presume that
25 the appropriate mailing addresses are the owners' addresses shown there-
26 on.

27 (c) When property which is eligible for a Co-STAR assessment pursuant
28 to this section constitutes a cooperative apartment unit or a mobile
29 home which is subject to the provisions of paragraph (a) of subdivision
30 6 of section 425-b of the real property tax law, as added by section one
31 of this act, the assessor shall not be required to file the list or data
32 file required by such paragraph until the one hundred twentieth day
33 after the effective date of this act, notwithstanding any provision in
34 such subdivision to the contrary.

35 S 3-a. Processing of Co-STAR assessments for farmers assessment roll.
36 (a) Application period for 2010. Notwithstanding any provision of law
37 to the contrary, eligible farmers may submit applications for Co-STAR
38 assessments pursuant to section 425-c of the real property tax law, as
39 added by section one of this act, on the 2010 assessment roll until the
40 ninetieth day after the effective date of this act. Each assessor is
41 hereby authorized and directed to review and grant such applications as
42 appropriate no later than the one hundred twentieth day after the effec-
43 tive date of this act. Provided, however, that in lieu of making entries
44 directly on the 2010 assessment roll, the assessor shall prepare a sepa-
45 rate list or data file identifying the eligible parcels in such form and
46 manner as may be prescribed by the state board of real property services
47 in consultation with the department of taxation and finance. No later
48 than the one hundred twentieth day after the effective date of this act,
49 the assessor shall forward such list or data file to the state board,
50 which shall forward the same to the department of taxation and finance,
51 together with the maximum allowable Co-STAR assessment for each assess-
52 ing unit.

53 (b) Notice and review of denial for 2010. If an assessor should
54 determine that a Co-STAR application submitted pursuant to this section
55 should be denied, he or she shall so notify the applicant by certified
56 mail, return receipt requested, no later than the one hundred twentieth

1 day after the effective date of this act. No later than 10 days after
2 the mailing of such notice, the applicant may file a written complaint
3 with the assessor. The provisions of section 553 of the real property
4 tax law shall apply to the extent practicable to the review of such a
5 complaint.

6 (c) For 2011 notwithstanding the provisions of section 177-a of the
7 tax law, as added by section two of this act, for purposes of issuing
8 rebates of county taxes for the county fiscal year beginning in 2011,
9 the department of taxation and finance may presume that the qualified
10 owner-applicant or owner-applicants were the property owner or owners as
11 of the applicable taxable status date, as shown on the assessment roll
12 data file filed with the state board of real property services pursuant
13 to article 15-C of the real property tax law, or on the list or data
14 file forwarded to the state board pursuant to subdivision (a) of this
15 section, and may further presume that the appropriate mailing addresses
16 are the owners' addresses shown thereon.

17 (d) When property which is eligible for a Co-STAR assessment pursuant
18 to this section constitutes a cooperative apartment unit or a mobile
19 home which is subject to the provisions of paragraph (a) of subdivision
20 9 of section 425-c of the real property tax law, as added by section one
21 of this act, the assessor shall not be required to file the list or data
22 file required by such paragraph until the one hundred twentieth day
23 after the effective date of this act, notwithstanding any provision in
24 such subdivision to the contrary.

25 S 4. Subsection (e) of section 1310 of the tax law, as added by chap-
26 ter 481 of the laws of 1997, is relettered subsection (g) and a new
27 subsection (h) is added to read as follows:

28 (H) CITY CO-STAR CREDIT. (1) FOR TAXABLE YEARS BEGINNING AFTER TWO
29 THOUSAND TEN, A CITY CO-STAR CREDIT SHALL BE ALLOWED FOR TAXPAYERS WHO
30 HAVE ATTAINED THE AGE OF SIXTY-FIVE ON OR BEFORE THE CLOSE OF THE TAXA-
31 BLE YEAR. THE CREDIT SHALL BE ALLOWED AGAINST THE TAXES AUTHORIZED BY
32 THIS ARTICLE REDUCED BY THE CREDITS PERMITTED BY THIS ARTICLE. IF THE
33 CREDIT EXCEEDS THE TAX AS SO REDUCED, THE TAXPAYER MAY RECEIVE, AND THE
34 COMPTROLLER, SUBJECT TO A CERTIFICATE OF THE COMMISSIONER, SHALL PAY AS
35 AN OVERPAYMENT, WITHOUT INTEREST, THE AMOUNT OF SUCH EXCESS. FOR
36 PURPOSES OF THIS SUBSECTION, NO CREDIT SHALL BE GRANTED TO AN INDIVIDUAL
37 WITH RESPECT TO WHOM A DEDUCTION UNDER SUBSECTION (C) OF SECTION ONE
38 HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE CODE IS ALLOWABLE TO ANOTHER
39 TAXPAYER FOR THE TAXABLE YEAR.

40 (2) THE CREDIT SHALL BE DETERMINED UNDER THIS PARAGRAPH.

41 (A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES. IN
42 THE CASE OF A HUSBAND AND WIFE WHO MAKE A SINGLE RETURN JOINTLY AND OF A
43 SURVIVING SPOUSE:

44 FOR TAXABLE YEARS TWO THOUSAND TEN AND AFTER THE CREDIT SHALL BE ONE
45 HUNDRED TWENTY DOLLARS

46 (B) ALL OTHERS. IN THE CASE OF AN UNMARRIED INDIVIDUAL, A HEAD OF A
47 HOUSEHOLD OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN:

48 FOR TAXABLE YEARS TWO THOUSAND TEN AND AFTER THE CREDIT SHALL BE SIXTY
49 DOLLARS

50 S 5. Subdivision (c) of section 11-1706 of the administrative code of
51 the city of New York, as added by chapter 481 of the laws of 1997, is
52 relettered subdivision (f) and a new subdivision (g) is added to read as
53 follows:

54 (G) CITY CO-STAR CREDIT. (1) FOR TAXABLE YEARS BEGINNING AFTER TWO
55 THOUSAND TEN, A CITY CO-STAR CREDIT SHALL BE ALLOWED FOR TAXPAYERS WHO
56 HAVE ATTAINED THE AGE OF SIXTY-FIVE ON OR BEFORE THE CLOSE OF THE TAXA-

1 BLE YEAR. THE CREDIT SHALL BE ALLOWED AGAINST THE TAXES IMPOSED BY THIS
2 CHAPTER REDUCED BY THE CREDITS PERMITTED BY THIS CHAPTER. IF THE CREDIT
3 EXCEEDS THE TAX AS SO REDUCED, THE TAXPAYER MAY RECEIVE, AND THE STATE
4 COMPTROLLER, SUBJECT TO A CERTIFICATE OF THE STATE COMMISSIONER OF TAXA-
5 TION AND FINANCE, SHALL PAY AS AN OVERPAYMENT, WITHOUT INTEREST, THE
6 AMOUNT OF SUCH EXCESS. FOR PURPOSES OF THIS SUBDIVISION, NO CREDIT SHALL
7 BE GRANTED TO AN INDIVIDUAL WITH RESPECT TO WHOM A DEDUCTION UNDER
8 SUBSECTION (C) OF SECTION ONE HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE
9 CODE IS ALLOWABLE TO ANOTHER TAXPAYER FOR THE TAXABLE YEAR.

10 (2) THE CREDIT SHALL BE DETERMINED UNDER THIS PARAGRAPH.

11 (A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES. IN
12 THE CASE OF A HUSBAND AND WIFE WHO MAKE A SINGLE RETURN JOINTLY AND OF A
13 SURVIVING SPOUSE:

14 FOR TAXABLE YEARS TWO THOUSAND TEN AND AFTER THE CREDIT SHALL BE ONE
15 HUNDRED TWENTY DOLLARS

16 (B) ALL OTHERS. IN THE CASE OF AN UNMARRIED INDIVIDUAL, A HEAD OF A
17 HOUSEHOLD OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN:

18 FOR TAXABLE YEARS TWO THOUSAND TEN AND AFTER THE CREDIT SHALL BE SIXTY
19 DOLLARS

20 S 6. The state finance law is amended by adding a new section 97-jjjj
21 to read as follows:

22 S 97-JJJJ. CO-STAR FUND. 1. THERE IS HEREBY ESTABLISHED IN THE SOLE
23 CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE
24 KNOWN AS THE CO-STAR FUND.

25 2. SUCH FUND SHALL CONSIST OF ALL MONIES CREDITED OR TRANSFERRED THER-
26 ETO FROM THE GENERAL FUND OR FROM ANY OTHER FUND OR SOURCES PURSUANT TO
27 LAW.

28 3. THE MONIES OF THE FUND SHALL BE AVAILABLE FOR PAYMENT OF CO-STAR
29 REBATES AUTHORIZED BY SECTION ONE HUNDRED SEVENTY-SEVEN-A OF THE TAX
30 LAW, AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SHALL BE PAID OUT
31 ON CHECKS ISSUED AND SIGNED SOLELY BY THE COMMISSIONER OF TAXATION AND
32 FINANCE.

33 S 7. This act shall take effect immediately, provided, however:

34 (a) Section one of this act shall apply to assessment rolls filed in
35 2011 and thereafter; and

36 (b) Section two of this act shall apply to county fiscal years begin-
37 ning in 2012 and thereafter.