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

January 29, 2009

Introduced by M. of A. THIELE, BACALLES, BALL, BURLING, ERRIGO, GIGLIO, KOLB, McDONOUGH, McKEVITT, MOLINARO, RAIA, SCOZZAFAVA, SPANO, TEDISCO, TOWNSEND, WALKER -- Multi-Sponsored by -- M. of A. BARCLAY, BUTLER, CONTE, CROUCH, HAWLEY, P. LOPEZ, QUINN -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to tax exemptions for persons with active military service of the United States and eligible reservists

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

Section 1. The real property tax law is amended by adding a new section 458-c to read as follows:

S 458-C. EXEMPTION FOR CERTAIN PERSONS WITH ACTIVE MILITARY SERVICE OF THE UNITED STATES AND CERTAIN RESERVISTS. 1. FOR PURPOSES OF THIS SECTION, "ELIGIBLE RESERVIST" MEANS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES ORDERED TO ACTIVE DUTY BY THE PRESIDENT OF THE UNITED STATES.

2. REAL PROPERTY OWNED BY AN ELIGIBLE PERSON WITH ACTIVE MILITARY SERVICE, SUCH PERSON'S SPOUSE, AN ELIGIBLE RESERVIST OR SUCH RESERVIST'S SPOUSE SHALL BE EXEMPT FROM TAXATION OF SUCH PROPERTY FOR CITY, VILLAGE, TOWN, PART TOWN, SPECIAL DISTRICT OR COUNTY PURPOSES, EXCLUSIVE OF SPECIAL ASSESSMENTS, PROVIDED THAT THE GOVERNING BODY OF A CITY, VILLAGE, TOWN OR COUNTY, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THEREFOR.

3. SUCH EXEMPTION SHALL NOT BE GRANTED TO AN ELIGIBLE PERSON WITH ACTIVE MILITARY SERVICE, SUCH PERSON'S SPOUSE, AN ELIGIBLE RESERVIST OR SUCH RESERVIST'S SPOUSE RESIDING IN SUCH COUNTY UNLESS:

(A) THE PROPERTY IS THE PRIMARY RESIDENCE OF THE APPLICANT;

(B) THE PROPERTY IS USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES; PROVIDED, HOWEVER, THAT IN THE EVENT ANY PORTION OF SUCH PROPERTY IS NOT USED EXCLUSIVELY FOR THE APPLICANT'S RESIDENCE BUT IS USED FOR OTHER

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

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PURPOSES, SUCH PORTION SHALL BE SUBJECT TO TAXATION AND THE REMAINING PORTION ONLY SHALL BE ENTITLED TO THE EXEMPTION PROVIDED BY THIS SECTION; AND

(C) THE ELIGIBLE PERSON WITH ACTIVE MILITARY SERVICE OR THE ELIGIBLE RESERVIST RETAINED HIS OR HER ACTIVE DUTY STATUS FOR AT LEAST NINETY CONSECUTIVE DAYS WITHIN THE IMMEDIATELY PRECEDING CALENDAR YEAR IN WHICH HE OR SHE IS REQUESTING THE EXEMPTION AS AUTHORIZED BY THIS SECTION.

4. ANY ELIGIBLE PERSON WITH ACTIVE MILITARY SERVICE OR ANY ELIGIBLE RESERVIST SHALL BE GRANTED THE EXEMPTION AS AUTHORIZED BY THIS SECTION FOR THE PERIOD OF HIS OR HER ACTIVE DUTY STATUS AS LONG AS HIS OR HER PRIMARY RESIDENCE IS LOCATED WITHIN A VILLAGE, TOWN OR COUNTY IN WHICH THE GOVERNING BODY OF SUCH VILLAGE, TOWN OR COUNTY, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING FOR SUCH EXEMPTION.

5. APPLICATION FOR SUCH EXEMPTION SHALL BE FILED WITH THE ASSESSOR OR OTHER AGENCY, DEPARTMENT OR OFFICE DESIGNATED BY THE MUNICIPALITY OFFERING SUCH EXEMPTION ON OR BEFORE THE TAXABLE STATUS DATE ON A FORM AS PRESCRIBED BY THE STATE BOARD.

6. NO APPLICANT WHO IS AN ELIGIBLE PERSON WITH ACTIVE MILITARY SERVICE OR AN ELIGIBLE RESERVIST WHO BY REASON OF SUCH STATUS IS RECEIVING ANY BENEFIT UNDER THE PROVISIONS OF THIS ARTICLE ON THE EFFECTIVE DATE OF THIS SECTION SHALL SUFFER ANY DIMINUTION OF SUCH BENEFIT BECAUSE OF THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately, shall be deemed to have been in full force and effect on and after September 11, 2001 and shall apply to taxable status dates occurring on or after September 11, 2001.