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

8607

2009-2010 Regular Sessions

I N A S S E M B L Y

May 29, 2009

Introduced by M. of A. ESPAILLAT -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to redemption of certain property owned by persons deployed by the United States military

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

Section 1. This act shall be known and may be cited as the "veteran home redemption relief act".

S 2. The real property tax law is amended by adding a new section 1115 to read as follows:

S 1115. WAIVER OF INTEREST, PENALTIES AND FEES FOR REDEMPTION FOR CERTAIN PERSONS DEPLOYED BY THE MILITARY. A COUNTY, CITY, TOWN, VILLAGE OR OTHER TAXING ENTITY MAY BY LAW, ORDINANCE OR REGULATION OF GENERAL APPLICABILITY PERMIT THE FORMER OWNER OR THE SURVIVING SPOUSE OR DOMESTIC PARTNER OF THE FORMER OWNER OF RESIDENTIAL REAL ESTATE FORECLOSED WITHIN THE PRECEDING THREE YEARS TO REDEEM SUCH REAL ESTATE WITHOUT INTEREST, PENALTIES AND FEES OWED TO SUCH GOVERNMENTAL ENTITY, PROVIDED THAT:

(1) THE PROPERTY WAS THE FORMER OWNER'S PRINCIPAL PLACE OF RESIDENCE;

(2) THE FORECLOSURE WAS A RESULT OF FINANCIAL HARDSHIP CAUSED IN SUBSTANTIAL PART BY THE OWNER'S HAVING BEEN ORDERED TO ACTIVE MILITARY DUTY IN THE UNITED STATES ARMED FORCES INCLUDING THE RESERVE COMPONENTS OF SUCH ARMED FORCES;

(3) THE OWNER'S MILITARY ACTIVATION LASTED FOR AT LEAST SIX CONTIGUOUS MONTHS;

(4) THE TITLE TO THE PROPERTY HAS NOT BEEN ACQUIRED BY A BONA FIDE PURCHASER WHO WILL USE IT FOR HIS OR HER OWN PRIMARY RESIDENCE; AND

(5) THE FORMER OWNER PROVIDES SATISFACTORY WRITTEN EVIDENCE OF THE REQUIREMENTS SET FORTH IN THIS SECTION TO THE CHIEF ELECTED OFFICER OF SUCH COUNTY, CITY, TOWN, VILLAGE OR TAXING ENTITY, OR THEIR DESIGNEE, OR ANY OTHER OFFICIAL THAT MAY BE DESIGNATED BY SUCH LAW, ORDINANCE OR REGULATION.

S 3. This act shall take effect immediately.

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

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