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

960

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CAHILL, TITUS, KELLNER, GUNTHER, ZEBROWSKI, COOK, ROBINSON, KOON, EDDINGTON, LUPARDO, GABRYSZAK, BENEDETTO, HIKIND, MAYERSOHN, CLARK, ESPAILLAT, ROSENTHAL -- Multi-Sponsored by -- M. of A. BOYLAND, COLTON, DelMONTE, GORDON, HYER-SPENCER, JOHN, LATIMER, MAISEL, MARKEY, McENENY, PHEFFER, TITONE, TOWNS, WEISENBERG -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to assessment exemptions for living quarters for a parent or grandparent

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

Section 1. Subdivisions 1 and 3 of section 469 of the real property tax law, as added by chapter 377 of the laws of 2000, are amended to read as follows:

1. A county, city, town, village or school district acting through its local legislative body is hereby authorized and empowered to adopt and amend local laws, or resolutions in the case of school districts, to provide for an exemption from taxation to the extent of any increase in assessed value of residential property resulting from the construction or reconstruction of such property for the purpose of providing living quarters for a parent or grandparent, who is sixty-two years of age or older, *OR ANOTHER ELIGIBLE PERSON, AS DEFINED IN SUBDIVISION FIVE-A OF THIS SECTION.* Such exemption shall not exceed (a) the increase in assessed value resulting from construction or reconstruction of such property, or (b) twenty percent of the total assessed value of such property as improved, or (c) twenty percent of the median sale price of residential property as reported in the most recent sales statistical summary published by the state board for the county in which the property is located, whichever is less.

3. Such exemption shall be applicable only to construction or reconstruction which occurred subsequent to the effective date of this

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

LBD00703-01-9

section and shall only apply during taxable years during which at least one such parent [or], grandparent OR ELIGIBLE PERSON maintains a primary place of residence in such living quarters.

S 2. Section 469 of the real property tax law is amended by adding a new subdivision 5-a to read as follows:

5-A. FOR THE PURPOSES OF THIS SECTION, THE TERM "ELIGIBLE PERSON" SHALL BE DEEMED TO INCLUDE AN INDIVIDUAL WHO IS SIXTY-TWO YEARS OF AGE OR OLDER, OR ONE OR MORE INDIVIDUALS, INCLUDING A HUSBAND AND WIFE OR SIBLINGS (WHETHER RELATED THROUGH HALF BLOOD, WHOLE BLOOD OR ADOPTION), ONE OF WHOM IS SIXTY-TWO YEARS OF AGE OR OLDER, OR A PERSON WITH A DISABILITY. TO QUALIFY AS A PERSON WITH A DISABILITY FOR THE PURPOSES OF THIS SECTION, AN INDIVIDUAL SHALL SUBMIT TO THE APPROPRIATE ASSESSOR PROOF THAT HE OR SHE IS CURRENTLY RECEIVING SOCIAL SECURITY DISABILITY INSURANCE OR SUPPLEMENTAL SECURITY INCOME BENEFITS UNDER THE FEDERAL SOCIAL SECURITY ACT OR DISABILITY PENSION OR DISABILITY COMPENSATION BENEFITS PROVIDED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THOSE PREVIOUSLY ELIGIBLE BY VIRTUE OF RECEIVING DISABILITY BENEFITS UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM OR THE SOCIAL SECURITY DISABILITY PROGRAM AND CURRENTLY RECEIVING MEDICAL ASSISTANCE BENEFITS BASED ON DETERMINATION OF DISABILITY AS PROVIDED IN SECTION THREE HUNDRED SIXTY-SIX OF THE SOCIAL SERVICES LAW, OR A CERTIFIED STATEMENT FROM A PHYSICIAN LICENSED TO PRACTICE IN THE STATE ON A FORM PRESCRIBED AND MADE AVAILABLE BY THE STATE BOARD WHICH STATES THAT THE INDIVIDUAL HAS A PERMANENT PHYSICAL IMPAIRMENT WHICH SUBSTANTIALLY LIMITS ONE OR MORE OF SUCH INDIVIDUAL'S MAJOR LIFE ACTIVITIES, OR A CERTIFICATE FROM THE STATE COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED STATING THAT SUCH INDIVIDUAL IS LEGALLY BLIND.

S 3. This act shall take effect immediately.