

3140

2009-2010 Regular Sessions

I N S E N A T E

March 11, 2009

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the real property tax law and the administrative code of the city of New York, in relation to providing an alternative exemption to active members of the armed forces

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

1 Section 1. The section heading, paragraphs (c) and (d) of subdivision  
2 1, paragraphs (b) and (c) of subdivision 2 and subdivision 8 of section  
3 458-a of the real property tax law, the section heading as added by  
4 chapter 525 of the laws of 1984, paragraph (c) of subdivision 1 and  
5 paragraph (c) of subdivision 2 as amended by chapter 100 of the laws of  
6 1988, paragraph (d) of subdivision 1 as amended by chapter 899 of the  
7 laws of 1985, paragraph (b) of subdivision 2 as amended by chapter 473  
8 of the laws of 2004, and subdivision 8 as amended by chapter 503 of the  
9 laws of 2008, are amended to read as follows:  
10 Veterans AND ACTIVE MEMBER OF THE ARMED FORCES; alternative exemption.  
11 (c) "Qualified owner" means a veteran, the spouse of a veteran [or],  
12 the unremarried surviving spouse of a veteran, AN ACTIVE MEMBER OF THE  
13 ARMED FORCES, OR THE SPOUSE OF AN ACTIVE MEMBER OF THE ARMED FORCES.  
14 Where property is owned by more than one qualified owner, the exemption  
15 to which each is entitled may be combined. Where a veteran is also the  
16 unremarried surviving spouse of a veteran, such person may also receive  
17 any exemption to which the deceased spouse was entitled.  
18 (d) "Qualifying residential real property" means property owned by a  
19 qualified owner which is used exclusively for residential purposes;  
20 provided however, that in the event any portion of such property is not  
21 so used exclusively for residential purposes but is used for other  
22 purposes, such portion shall be subject to taxation and the remaining  
23 portion only shall be entitled to the exemption provided by this

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

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1 section. Such property must be the primary residence of the veteran  
2 [or], unremarried surviving spouse of the veteran OR ACTIVE MEMBER OF  
3 THE ARMED FORCES, unless the veteran [or], unremarried surviving spouse  
4 OR ACTIVE MEMBER OF THE ARMED FORCES is absent from the property due to  
5 medical reasons or institutionalization. In the event the veteran dies  
6 and there is no unremarried surviving spouse, "qualifying residential  
7 real property" shall mean the primary residence owned by a qualified  
8 owner prior to death, provided that the title to the property becomes  
9 vested in the dependent father or mother or dependent child or children  
10 under twenty-one years of age of a veteran by virtue of devise by or  
11 descent from the deceased qualified owner, provided that the property is  
12 the primary residence of one or all of the devisees.

13 (b) In addition to the exemption provided by paragraph (a) of this  
14 subdivision, where the veteran OR ACTIVE MEMBER OF THE ARMED FORCES  
15 served in a combat theatre or combat zone of operations, as documented  
16 by the award of a United States campaign ribbon or service medal, or the  
17 armed forces expeditionary medal, navy expeditionary medal, marine corps  
18 expeditionary medal, or global war on terrorism expeditionary medal,  
19 qualifying residential real property also shall be exempt from taxation  
20 to the extent of ten percent of the assessed value of such property;  
21 provided, however, that such exemption shall not exceed eight thousand  
22 dollars or the product of eight thousand dollars multiplied by the  
23 latest state equalization rate for the assessing unit, or in the case of  
24 a special assessing unit, the class ratio, whichever is less.

25 (c) In addition to the exemptions provided by paragraphs (a) and (b)  
26 of this subdivision, where the veteran OR ACTIVE MEMBER OF THE ARMED  
27 FORCES received a compensation rating from the United States veteran's  
28 administration or from the United States department of defense because  
29 of a service connected disability, qualifying residential real property  
30 shall be exempt from taxation to the extent of the product of the  
31 assessed value of such property multiplied by fifty percent of the  
32 veteran's disability rating; provided, however, that such exemption  
33 shall not exceed forty thousand dollars or the product of forty thousand  
34 dollars multiplied by the latest state equalization rate for the assess-  
35 ing unit, or in the case of a special assessing unit, the latest class  
36 ratio, whichever is less. For purposes of this paragraph, where a person  
37 who served in the active military, naval or air service during a period  
38 of war died in service of a service connected disability, such person  
39 shall be deemed to have been assigned a compensation rating of one  
40 hundred percent.

41 8. Notwithstanding the provisions of paragraph (c) of subdivision one  
42 of this section and subdivision three of this section, the governing  
43 body of any municipality may, after public hearing, adopt a local law,  
44 ordinance or resolution providing that where a [veteran, the spouse of  
45 the veteran or unremarried surviving spouse] QUALIFIED OWNER, AS DEFINED  
46 IN THIS SECTION, already receiving an exemption pursuant to this section  
47 sells the property receiving the exemption and purchases property within  
48 the same city, town or village, the assessor shall transfer and prorate,  
49 for the remainder of the fiscal year, the exemption received. The  
50 prorated exemption shall be based upon the date the [veteran, the spouse  
51 of the veteran or unremarried surviving spouse] QUALIFIED OWNER obtains  
52 title to the new property and shall be calculated by multiplying the tax  
53 rate or rates for each municipal corporation which levied taxes, or for  
54 which taxes were levied, on the appropriate tax roll used for the fiscal  
55 year or years during which the transfer occurred times the previously  
56 granted exempt amount times the fraction of each fiscal year or years

1 remaining subsequent to the transfer of title. Nothing in this section  
2 shall be construed to remove the requirement that any such [veteran, the  
3 spouse of the veteran or unremarried surviving spouse] QUALIFIED OWNERS  
4 transferring an exemption pursuant to this subdivision shall reapply for  
5 the exemption authorized pursuant to this section on or before the  
6 following taxable status date, in the event such [veteran, the spouse of  
7 the veteran or unremarried surviving spouse] QUALIFIED OWNER wishes to  
8 receive the exemption in future fiscal years.

9 S 2. Subdivision 1 of section 458-a of the real property tax law is  
10 amended by adding a new paragraph (h) to read as follows:

11 (H) "ACTIVE MEMBER OF THE ARMED FORCES" MEANS A MEMBER OF THE ARMED  
12 FORCES OF THE UNITED STATES ON ACTIVE DUTY, OTHER THAN FOR TRAINING,  
13 PURSUANT TO TITLE 10 OF THE UNITED STATES CODE.

14 S 3. Section 11-245.6 of the administrative code of the city of New  
15 York, as amended by local law number 136 of the city of New York for the  
16 year 2005, is amended to read as follows:

17 S 11-245.6 Alternative exemption for veterans AND ACTIVE MEMBERS OF  
18 THE ARMED FORCES; maximum exemptions allowable. Pursuant to subparagraph  
19 (ii) of paragraph (d) of subdivision two of section four hundred fifty-  
20 eight-a of the real property tax law, the city hereby increases the  
21 maximum exemptions allowable in paragraphs (a), (b) and (c) of subdivi-  
22 sion two of section four hundred fifty-eight-a of the real property tax  
23 law. The maximum exemption allowable in such paragraph (a) shall be  
24 fifteen percent of the assessed value of the qualifying residential real  
25 property; provided, however, that such exemption shall not exceed  
26 fifty-four thousand dollars or the product of fifty-four thousand  
27 dollars multiplied by the latest class ratio, whichever is less. In  
28 addition to the exemption provided by such paragraph (a), as increased  
29 by this section, the maximum exemption allowable in such paragraph (b)  
30 shall be ten percent of the assessed value of the qualifying residential  
31 real property; provided, however, that such exemption shall not exceed  
32 thirty-six thousand dollars or the product of thirty-six thousand  
33 dollars multiplied by the latest class ratio, whichever is less. In  
34 addition to the exemptions provided by such paragraphs (a) and (b), as  
35 increased by this section, the maximum exemption allowable in such para-  
36 graph (c) shall be the product of the assessed value of the qualifying  
37 residential real property multiplied by fifty percent of the veteran's  
38 disability rating; provided, however, that such exemption shall not  
39 exceed one hundred eighty thousand dollars or the product of one hundred  
40 eighty thousand dollars multiplied by the latest class ratio, whichever  
41 is less. The maximum exemptions allowable in such paragraphs (a), (b)  
42 and (c), as increased by this section, shall not apply to any assessment  
43 roll completed and filed prior to the first day of January, two thousand  
44 six.

45 S 4. This act shall take effect immediately and shall apply to tax  
46 assessment rolls completed on or after January 1, 2009.