

5248--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sens. RANZENHOFER, ALESI, DeFRANCISCO, HANNON, O. JOHNSON, LARKIN, LITTLE, MORAHAN, NOZZOLIO, PADAVAN, ROBACH, SEWARD, VOLKER, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law and the tax law, in relation to reinstating the "Middle Class STAR" rebate program

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

1 Section 1. The real property tax law is amended by adding a new
2 section 1306-b to read as follows:
3 S 1306-B. "MIDDLE CLASS STAR" REBATE PROGRAM. 1. TAX REBATES. (A) IF A
4 PARCEL IS ENTITLED TO THE BASIC OR ENHANCED STAR EXEMPTION AUTHORIZED BY
5 SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER FOR THE TWO THOUSAND
6 SIX--TWO THOUSAND SEVEN SCHOOL YEAR AND EACH YEAR THEREAFTER, A LOCAL
7 PROPERTY TAX REBATE SHALL BE PROVIDED TO THE OWNER OR OWNERS OF SUCH
8 PARCEL AS SHOWN ON THE FINAL ASSESSMENT ROLL FOR SUCH YEAR, IN AN AMOUNT
9 COMPUTED AS PRESCRIBED BY THIS SECTION AND SECTION ONE HUNDRED SEVENTY-
10 EIGHT OF THE TAX LAW.
11 (B) IT SHALL BE THE RESPONSIBILITY OF THE STATE DEPARTMENT OF TAXATION
12 AND FINANCE TO ISSUE SUCH TAX REBATES TO SUCH OWNERS IN THE MANNER
13 PROVIDED BY SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW. NOTHING
14 CONTAINED HEREIN SHALL BE CONSTRUED AS PERMITTING PARTIAL OR INSTALLMENT
15 PAYMENTS OF TAXES IN A JURISDICTION WHICH HAS NOT AUTHORIZED THE SAME
16 PURSUANT TO LAW.
17 2. PROCEDURE. (A) ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND TEN AND
18 EACH YEAR THEREAFTER, THE EXECUTIVE DIRECTOR OF THE OFFICE OF REAL PROP-
19 ERTY SERVICES, OR HIS OR HER DESIGNEE, OR ON OR BEFORE JULY FIRST, TWO
20 THOUSAND TEN AND EACH YEAR THEREAFTER, IN THE CASE OF A CITY WITH A

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

LBD11540-02-0

1 POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF FINANCE, OR HIS
2 OR HER DESIGNEE, SHALL PROVIDE TO THE COMMISSIONER OF TAXATION AND
3 FINANCE A REPORT IN A MUTUALLY AGREEABLE FORMAT CONCERNING THOSE PARCELS
4 WHICH HAVE BEEN GRANTED AN EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED
5 TWENTY-FIVE OF THIS CHAPTER ON THE ASSESSMENT ROLLS USED TO GENERATE THE
6 SCHOOL TAX BILLS FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
7 TAX YEAR AND FOR EACH YEAR THEREAFTER; PROVIDED HOWEVER THE INFORMATION
8 TO BE PROVIDED ON SUCH REPORT SHALL BE OBTAINED FROM THE FINAL ASSESS-
9 MENT ROLL DATA FILES USED TO GENERATE THE TWO THOUSAND TEN--TWO THOUSAND
10 ELEVEN SCHOOL TAX BILLS AND EACH YEAR THEREAFTER, FILED WITH THE STATE
11 BOARD PURSUANT TO SECTION FIFTEEN HUNDRED NINETY OF THIS CHAPTER ON OR
12 BEFORE JULY THIRTY-FIRST OF SUCH YEAR. SUCH REPORT SHALL SET FORTH THE
13 NAMES AND MAILING ADDRESSES OF THE OWNERS OF SUCH PARCELS AS SHOWN ON
14 SUCH ASSESSMENT ROLL DATA FILES, THE IDENTIFICATION NUMBERS OF SUCH
15 PARCELS AS SHOWN ON SUCH ASSESSMENT ROLL DATA FILES, AND SUCH OTHER
16 INFORMATION IN THE POSSESSION OF THE OFFICE OF REAL PROPERTY SERVICES,
17 OR IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE
18 COMMISSIONER OF FINANCE, AS THE COMMISSIONER OF TAXATION AND FINANCE MAY
19 DEEM NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THIS PROGRAM, INCLUD-
20 ING INFORMATION REGARDING COOPERATIVE APARTMENT BUILDINGS AND MOBILE
21 HOME PARKS OR SIMILAR PROPERTY. IT SHALL BE THE RESPONSIBILITY OF THE
22 ASSESSOR OR ASSESSORS OF EACH ASSESSING UNIT TO ENSURE THAT THE NAMES
23 AND MAILING ADDRESSES OF SUCH OWNERS ARE ACCURATELY RECORDED ON SUCH
24 ROLLS AND FILES TO THE BEST OF HIS OR HER ABILITY, BASED UPON THE INFOR-
25 MATION CONTAINED IN HIS OR HER OFFICE. NOTHING CONTAINED IN THIS SUBDI-
26 VISION SHALL BE CONSTRUED AS AFFECTING IN ANY WAY THE VALIDITY OR
27 ENFORCEABILITY OF A REAL PROPERTY TAX, OR THE APPLICABILITY OF INTEREST
28 OR PENALTIES WITH RESPECT THERETO, WHEN AN OWNER'S NAME OR MAILING
29 ADDRESS HAS NOT BEEN ACCURATELY RECORDED.

30 (B) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDI-
31 VISION, WHERE AN ASSESSING UNIT CONTAINS ONE OR MORE PROPERTIES WHICH
32 ARE RECEIVING SUCH EXEMPTION IN RELATION TO A PRIOR YEAR ASSESSMENT ROLL
33 PURSUANT TO PARAGRAPH (D) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED
34 TWENTY-FIVE OF THIS CHAPTER, OR CONTAINS ONE OR MORE PARCELS WITH
35 RESPECT TO WHICH SUCH EXEMPTION WAS DULY ADDED OR REMOVED AFTER THE
36 FILING OF THE FINAL ASSESSMENT ROLL PURSUANT TO THE PROVISIONS OF TITLE
37 THREE OF ARTICLE FIVE OF THIS CHAPTER, THE OFFICE OF REAL PROPERTY
38 SERVICES MAY REQUIRE THE ASSESSOR TO FILE WITH IT, ON OR BEFORE JULY
39 THIRTY-FIRST, TWO THOUSAND TEN AND EACH YEAR THEREAFTER, OR SUCH LATER
40 DATE AS SUCH OFFICE MAY SPECIFY, A SUPPLEMENTAL REPORT RELATING TO SUCH
41 PROPERTY OR PROPERTIES, SO THAT INFORMATION PERTAINING TO THE OWNERS
42 THEREOF MAY BE INCLUDED IN THE REPORT TO BE MADE TO THE COMMISSIONER OF
43 TAXATION AND FINANCE PURSUANT TO THIS PARAGRAPH. WHEN ANY INFORMATION
44 REQUIRED BY THIS PARAGRAPH IS RECEIVED BY THE OFFICE OF REAL PROPERTY
45 SERVICES AFTER JULY THIRTY-FIRST, TWO THOUSAND TEN AND EACH YEAR THERE-
46 AFTER, SUCH INFORMATION SHALL BE TRANSMITTED AS SOON AS REASONABLY PRAC-
47 TICABLE TO THE COMMISSIONER OF TAXATION AND FINANCE FOR USE IN ISSUING
48 LOCAL PROPERTY TAX REBATES PURSUANT TO SECTION ONE HUNDRED SEVENTY-EIGHT
49 OF THE TAX LAW.

50 (II) WHERE THE OWNERSHIP OF A PARCEL THAT HAD BEEN ELIGIBLE FOR A
51 REBATE PURSUANT TO THIS SECTION CHANGES OR AN EXEMPTION UNDER SECTION
52 FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER HAS BEEN GRANTED OR REMOVED,
53 THE ASSESSOR SHALL NOTIFY THE STATE BOARD OF THE CHANGE NO LATER THAN
54 AUGUST FIRST OF THE FOLLOWING YEAR. THE STATE BOARD SHALL FORWARD SUCH
55 REPORT TO THE DEPARTMENT OF TAXATION AND FINANCE IN A TIMELY MANNER AND
56 IN A MUTUALLY-AGREEABLE FORMAT.

1 3. (A) THE STATE BOARD SHALL CALCULATE THE REBATE BASE AS PROVIDED
2 HEREIN AND CERTIFY THE SAME TO THE DEPARTMENT OF TAXATION AND FINANCE NO
3 LATER THAN JULY FIRST, TWO THOUSAND TEN.

4 (B) THREE REBATE BASES FOR THE BASIC STAR EXEMPTION SHALL BE DETER-
5 MINED FOR EACH SEGMENT FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND
6 SUBSEQUENT SCHOOL YEARS. SUCH REBATE BASES SHALL BE COMPUTED BY DETER-
7 MINING THE EXEMPT AMOUNT ESTABLISHED FOR THE SEGMENT FOR PURPOSES OF THE
8 BASIC STAR EXEMPTION FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL
9 YEAR, MULTIPLYING THAT AMOUNT BY THE SCHOOL DISTRICT TAX RATE APPLICABLE
10 WITHIN THAT SEGMENT FOR PURPOSES OF THE TWO THOUSAND NINE--TWO THOUSAND
11 TEN SCHOOL YEAR, AS REPORTED BY THE SCHOOL DISTRICT, AND THEN MULTIPLY-
12 ING THE PRODUCT BY THE FOLLOWING:

13 (I) FOR PURPOSES OF THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
14 YEAR AND THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR, BY
15 SIXTY PERCENT, FORTY-FIVE PERCENT AND THIRTY PERCENT, RESPECTIVELY. THE
16 RESULTS SHALL BE ASSOCIATED WITH THE FIRST, SECOND AND THIRD INCOME
17 BRACKETS, RESPECTIVELY, THAT ARE APPLICABLE WITHIN THAT SEGMENT.

18 (II) FOR PURPOSES OF THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN
19 SCHOOL YEAR, BY SEVENTY PERCENT, FIFTY-TWO AND ONE-HALF PERCENT AND
20 THIRTY-FIVE PERCENT, RESPECTIVELY. THE RESULTS SHALL BE ASSOCIATED WITH
21 THE FIRST, SECOND AND THIRD INCOME BRACKETS, RESPECTIVELY, THAT ARE
22 APPLICABLE WITHIN THAT SEGMENT.

23 (III) FOR PURPOSES OF THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN
24 AND SUBSEQUENT SCHOOL YEARS, BY EIGHTY PERCENT, SIXTY PERCENT AND FORTY
25 PERCENT, RESPECTIVELY. THE RESULTS SHALL BE ASSOCIATED WITH THE FIRST,
26 SECOND AND THIRD INCOME BRACKETS, RESPECTIVELY, THAT ARE APPLICABLE
27 WITHIN THAT SEGMENT.

28 (IV) INCOME BRACKETS. (A) IN THE CITY OF NEW YORK, AND THE COUNTIES OF
29 NASSAU, SUFFOLK, ROCKLAND, WESTCHESTER, PUTNAM, ORANGE AND DUTCHESS, THE
30 FIRST INCOME BRACKET SHALL BE UP TO AND INCLUDING ONE HUNDRED TWENTY
31 THOUSAND DOLLARS; THE SECOND INCOME BRACKET SHALL BE OVER ONE HUNDRED
32 TWENTY THOUSAND DOLLARS UP TO AND INCLUDING ONE HUNDRED SEVENTY-FIVE
33 THOUSAND DOLLARS; AND THE THIRD INCOME BRACKET SHALL BE OVER ONE HUNDRED
34 SEVENTY-FIVE THOUSAND DOLLARS UP TO AND INCLUDING TWO HUNDRED FIFTY
35 THOUSAND DOLLARS.

36 (B) IN ALL OTHER COUNTIES IN THE STATE, THE FIRST INCOME BRACKET SHALL
37 BE UP TO AND INCLUDING NINETY THOUSAND DOLLARS; THE SECOND INCOME BRACK-
38 ET SHALL BE OVER NINETY THOUSAND DOLLARS AND UP TO AND INCLUDING ONE
39 HUNDRED FIFTY THOUSAND DOLLARS; AND THE THIRD INCOME BRACKET SHALL BE
40 OVER ONE HUNDRED FIFTY THOUSAND DOLLARS AND UP TO AND INCLUDING TWO
41 HUNDRED FIFTY THOUSAND DOLLARS.

42 (C) SUCH BRACKETS ARE SUBJECT TO INDEXING FOR INFLATION PURSUANT TO
43 SUBDIVISION FIFTEEN OF SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW.

44 (C) ONE REBATE BASE FOR THE ENHANCED STAR EXEMPTION SHALL BE DETER-
45 MINED FOR EACH SEGMENT FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND
46 SUBSEQUENT SCHOOL YEARS. SUCH REBATE BASES SHALL BE COMPUTED BY DETER-
47 MINING THE EXEMPT AMOUNT ESTABLISHED FOR THE SEGMENT FOR PURPOSES OF THE
48 ENHANCED STAR EXEMPTION FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN
49 SCHOOL YEAR, MULTIPLYING THAT AMOUNT BY THE SCHOOL DISTRICT TAX RATE
50 APPLICABLE WITHIN THAT SEGMENT FOR PURPOSES OF THAT SCHOOL YEAR, AS
51 REPORTED BY THE SCHOOL DISTRICT, AND THEN MULTIPLYING THE PRODUCT BY THE
52 FOLLOWING:

53 (I) FOR PURPOSES OF THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
54 YEAR, BY TWENTY-FIVE PERCENT.

55 (II) FOR PURPOSES OF THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND
56 SUBSEQUENT SCHOOL YEARS, BY THIRTY-FIVE PERCENT.

(D) FOR PURPOSES OF THIS SECTION, THE TERM "SEGMENT" MEANS THE PART OF A CITY OR TOWN THAT IS WITHIN A SCHOOL DISTRICT.

(E) IN THE CASE OF SCHOOL DISTRICTS WITHIN SPECIAL ASSESSING UNITS AS DEFINED IN SECTION EIGHTEEN HUNDRED ONE OF THIS CHAPTER, THE SCHOOL DISTRICT TAX RATE TO BE USED FOR THIS PURPOSE SHALL BE THE TAX RATE APPLICABLE TO CLASS ONE PROPERTIES AS DEFINED IN ARTICLE EIGHTEEN OF THIS CHAPTER, AS REPORTED BY THE SCHOOL DISTRICT AND THE EXEMPT AMOUNT SHALL BE ESTABLISHED FOR THE SEGMENT. IN THE CASE OF SCHOOL DISTRICTS WITHIN APPROVED ASSESSING UNITS AS DEFINED IN SECTION NINETEEN HUNDRED ONE OF THIS CHAPTER WHICH HAVE ADOPTED THE PROVISIONS OF SECTION NINETEEN HUNDRED THREE OF THIS CHAPTER, THE SCHOOL DISTRICT TAX RATE TO BE USED FOR THIS PURPOSE SHALL BE THE TAX RATE APPLICABLE TO THE HOMESTEAD CLASS, AS DEFINED IN ARTICLE NINETEEN OF THIS CHAPTER, AS REPORTED BY THE SCHOOL DISTRICT.

(F) WHERE THE PROVISIONS OF SUBPARAGRAPH (IV) OF PARAGRAPH (K) OF SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER ARE APPLICABLE, THE APPLICABLE REBATE AMOUNT SHALL BE ONE-THIRD OF THE OTHERWISE APPLICABLE REBATE AMOUNT SET FORTH IN PARAGRAPH (B) OR (C) OF THIS SUBDIVISION. THE STATE BOARD SHALL CALCULATE AND CERTIFY TO THE DEPARTMENT OF TAXATION AND FINANCE THE REBATE AMOUNTS APPLICABLE IN SUCH CASES, ALONG WITH THE CERTIFICATION REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION.

S 2. The tax law is amended by adding a new section 178 to read as follows:

S 178. "MIDDLE CLASS STAR" REBATE PROGRAM. 1. THE COMMISSIONER SHALL ISSUE THE LOCAL PROPERTY TAX REBATES AUTHORIZED BY SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW. FOR PURPOSES OF THIS SECTION THE REBATE SHALL BE CALCULATED USING THE COMPUTATION FORMULA SET FORTH IN SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW. PROVIDED, HOWEVER, SUCH REBATES SHALL NOT BE ISSUED IN ANY YEAR IN WHICH AN APPROPRIATION TO PAY SUCH REBATES HAS NOT BEEN INCLUDED IN THE ENACTED STATE BUDGET FOR SUCH YEAR.

2. ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND TEN AND EACH YEAR THEREAFTER, THE EXECUTIVE DIRECTOR OF THE OFFICE OF REAL PROPERTY SERVICES, OR HIS OR HER DESIGNEE, OR ON OR BEFORE JULY FIRST, TWO THOUSAND TEN AND EACH YEAR THEREAFTER IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF FINANCE, SHALL PROVIDE TO THE COMMISSIONER A REPORT IN A MUTUALLY AGREEABLE FORMAT CONCERNING THOSE PARCELS WHICH SATISFY THE CRITERIA SET FORTH IN SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW.

3. THE COMMISSIONER IN CONSULTATION WITH THE OFFICE OF REAL PROPERTY SERVICES AND IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF FINANCE, IS AUTHORIZED TO DEVELOP PROCEDURES NECESSARY TO PROVIDE FOR THE ISSUANCE OF LOCAL PROPERTY TAX REBATES TO QUALIFYING PROPERTY OWNERS, AND THOSE QUALIFYING PROPERTY OWNERS THAT DID NOT RECEIVE THEM INITIALLY. IF THE COMMISSIONER IS NOT SATISFIED THAT THE PROPERTY OWNER IS QUALIFIED FOR THE LOCAL PROPERTY TAX REBATE, THE COMMISSIONER SHALL NOT ISSUE SUCH REBATE.

4. WHEN THE PROPER PAYMENT OF A TAX REBATE UNDER THIS SECTION DEPENDS UPON CONSTRUCTION OF THE MEANING OF THE PROVISIONS OF SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW (AND ANY RELATED PROVISIONS OF SUCH LAW) OR INTERPRETATION OF THE TERMS CONTAINED THEREIN, IT SHALL BE THE RESPONSIBILITY OF THE STATE BOARD OF REAL PROPERTY SERVICES TO PROVIDE TO THE DEPARTMENT THE CONSTRUCTION OR INTERPRETATION OF ANY SUCH PROVISIONS OR TERMS.

1 5. BY DEPOSITING A REBATE ISSUED PURSUANT TO THIS SECTION AND AUTHOR-
2 IZED BY SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW, THE
3 PAYEE IS CERTIFYING THAT HE OR SHE IS THE PROPERTY OWNER, AND THAT THE
4 PRIMARY RESIDENCE OF SUCH PROPERTY OWNER IS NOT SUBJECT TO ANY DELIN-
5 QUENT SCHOOL TAXES.

6 6. VERIFICATION OF "AFFILIATED INCOME" FOR "MIDDLE CLASS STAR" REBATE
7 PROGRAM. (A) THE DETERMINATION OF THE "AFFILIATED INCOME" OF PARCELS FOR
8 PURPOSES OF THE "MIDDLE CLASS STAR" REBATE PROGRAM AS AUTHORIZED BY
9 SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY
10 TAX LAW SHALL BE MADE AS PROVIDED BY THIS SECTION.

11 (B) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "INCOME" SHALL HAVE THE
12 SAME MEANING AS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (B) OF
13 SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPER-
14 TY TAX LAW. THE TERM "AFFILIATED INCOME" SHALL MEAN THE COMBINED INCOME
15 OF ALL OF THE OWNERS OF THE PARCEL WHO RESIDED PRIMARILY THEREON ON THE
16 TAXABLE STATUS DATE FOR THE ASSESSMENT ROLL USED TO GENERATE THE APPLI-
17 CABLE SCHOOL TAX BILLS, AND OF ANY OWNERS' SPOUSES FILING JOINTLY OR
18 SPOUSES' RESIDING PRIMARILY THEREON IN THE CASES OF SPOUSES' FILING
19 SEPARATE RETURNS ON SUCH TAXABLE STATUS DATE AND SHALL BE DETERMINED AS
20 FOLLOWS:

21 (I) FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, AFFIL-
22 IATED INCOME SHALL BE DETERMINED BASED UPON THE PARTIES' INCOMES FOR THE
23 INCOME TAX YEAR ENDING IN TWO THOUSAND EIGHT. IN EACH SUBSEQUENT YEAR,
24 THE APPLICABLE INCOME TAX YEAR SHALL BE ADVANCED BY ONE YEAR.

25 (II) THE DEPARTMENT SHALL DETERMINE THE AFFILIATED INCOME FOR EACH
26 PARCEL AND SHALL ASSIGN A REBATE AMOUNT FOR EACH PARCEL BASED UPON SUCH
27 DETERMINATION. IN ANY CASE WHERE AFFILIATED INCOME CANNOT BE DETERMINED,
28 A REBATE SHALL NOT BE ISSUED.

29 7. NOTIFICATION REQUIREMENT. THE DEPARTMENT SHALL MAIL INFORMATION
30 CONCERNING THE "MIDDLE CLASS STAR" REBATE PROGRAM TO OWNERS OF PARCELS
31 RECEIVING A BASIC STAR EXEMPTION ON THE ASSESSMENT ROLL USED TO GENERATE
32 THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL TAX BILL. SUCH NOTIFI-
33 CATION SHALL EXPLAIN THAT PROPERTY OWNERS MUST FILE APPLICATIONS WITH
34 THE DEPARTMENT IN ORDER TO OBTAIN THE REBATE AVAILABLE UNDER THE "MIDDLE
35 CLASS STAR" REBATE PROGRAM. SUCH NOTICE SHALL FURTHER EXPLAIN HOW TO
36 OBTAIN THE APPLICATION.

37 8. APPLICATIONS. (A) IN ORDER TO OBTAIN THE BENEFITS OF THE "MIDDLE
38 CLASS STAR" REBATE PROGRAM, THE PROPERTY OWNER MUST SUBMIT AN APPLICA-
39 TION TO THE DEPARTMENT NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND
40 TEN. THE APPLICANT SHALL PROVIDE THE DEPARTMENT WITH SUCH INFORMATION AS
41 MAY BE NECESSARY TO DETERMINE THE PARCEL'S AFFILIATED INCOME. THE
42 PERSONS OTHER THAN THE APPLICANT WHOSE INCOMES ARE NECESSARY TO THE
43 DETERMINATION OF THE PARCEL'S AFFILIATED INCOME SHALL BE REFERRED TO IN
44 THIS SECTION AS "AFFILIATED PERSONS." RECIPIENTS OF THE ENHANCED STAR
45 EXEMPTION SHALL NOT FILE AN APPLICATION TO RECEIVE A REBATE. THE DEPART-
46 MENT SHALL MAIL ENHANCED STAR REBATE RECIPIENTS THEIR REBATES IN A TIME-
47 LY MANNER.

48 (B) IF THE APPLICANT OR ANY AFFILIATED PERSONS WERE NOT REQUIRED TO
49 FILE NEW YORK STATE INCOME TAX RETURNS FOR THE TWO THOUSAND EIGHT INCOME
50 TAX YEAR BECAUSE THEIR INCOMES WERE BELOW THE THRESHOLD THAT NECESSI-
51 TATED SUCH FILING, THE APPLICATION SHALL SO INDICATE.

52 (C) IF THE APPLICANT OR ANY AFFILIATED PERSONS WERE NOT REQUIRED TO
53 FILE NEW YORK STATE INCOME TAX RETURNS FOR THE TWO THOUSAND EIGHT INCOME
54 TAX YEAR BECAUSE THEY DID NOT RESIDE IN NEW YORK STATE IN SUCH TAXABLE
55 YEAR, THE APPLICATION SHALL SO INDICATE. SUCH PERSONS SHALL PROVIDE WITH
56 THE APPLICATION ANY INFORMATION THAT THE DEPARTMENT DETERMINES IS NECES-

1 SARY TO CALCULATE THE PARCEL'S AFFILIATED INCOME UNDER THE "MIDDLE CLASS
2 STAR" REBATE PROGRAM.

3 (D) AFTER TWO THOUSAND TEN, APPLICATIONS SHALL BE REQUIRED ONLY WHEN A
4 NEW APPLICATION FOR A BASIC STAR EXEMPTION FOR REAL PROPERTY TAXATION IS
5 FILED PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY
6 TAX LAW, OR WHEN THERE IS A CHANGE OF OWNERSHIP WHICH DOES NOT NECESSI-
7 TATE THE FILING OF A NEW APPLICATION FOR A BASIC STAR EXEMPTION. IN
8 EITHER INSTANCE, AN APPLICATION SHALL BE SUBMITTED TO THE DEPARTMENT ON
9 A TIMELY BASIS.

10 (E) IF AN APPLICATION FOR A "MIDDLE CLASS STAR" REBATE IS RECEIVED
11 AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND TEN, AN OTHERWISE ELIGIBLE
12 PROPERTY OWNER SHALL NOT RECEIVE A REBATE FOR SUCH YEAR. HOWEVER, SUCH
13 APPLICATION SHALL BE CONSIDERED TIMELY FILED FOR A REBATE IN SUBSEQUENT
14 YEARS PROVIDED THE OWNERSHIP OF THE PARCEL REMAINS UNCHANGED.

15 9. PROCESSING OF APPLICATIONS. (A) AFTER RECEIVING A TIMELY APPLICA-
16 TION, THE DEPARTMENT SHALL ATTEMPT TO DETERMINE THE AFFILIATED INCOME OF
17 THE PARCEL AND THE REBATE AMOUNT TO WHICH THE PARCEL IS ENTITLED, IF
18 ANY.

19 (B) IN THE CASE OF AN APPLICATION WHICH INDICATES THAT THE APPLICANT
20 AND ANY AFFILIATED PERSONS WERE NOT REQUIRED TO FILE NEW YORK STATE
21 INCOME TAX RETURNS FOR THE TWO THOUSAND EIGHT INCOME TAX YEAR BECAUSE
22 THEIR INCOMES WERE BELOW THE THRESHOLD WHICH NECESSITATED THE FILING OF
23 A STATE INCOME TAX RETURN, THE DEPARTMENT MAY, SUBJECT TO AUDIT, ISSUE A
24 REBATE EQUAL TO THE HIGHEST AMOUNT AVAILABLE FOR THAT SCHOOL DISTRICT
25 SEGMENT.

26 (C) IN THE CASE OF AN APPLICATION WHICH INDICATES THAT THE APPLICANT
27 AND ANY AFFILIATED PERSONS WERE NOT REQUIRED TO FILE NEW YORK STATE
28 INCOME TAX RETURNS FOR THE TWO THOUSAND EIGHT INCOME TAX YEAR BECAUSE
29 THEY DID NOT RESIDE IN NEW YORK STATE IN SUCH TAXABLE YEAR, THE APPLI-
30 CANT SHALL PROVIDE SUCH INFORMATION REGARDING INCOME AS IS REQUESTED BY
31 THE DEPARTMENT. THE DEPARTMENT SHALL ISSUE A REBATE BASED UPON THE
32 INFORMATION PROVIDED BY THE APPLICANT AND ANY OTHER INFORMATION TO WHICH
33 THE DEPARTMENT MAY HAVE ACCESS CONCERNING THE INCOME OF SUCH PERSON OR
34 PERSONS.

35 10. RECONSIDERATION OF REBATE AMOUNT. IN THE EVENT THE DEPARTMENT IS
36 UNABLE TO DETERMINE THE AFFILIATED INCOME FOR A PARCEL OR THE DEPARTMENT
37 DETERMINES THAT A REBATE SHALL NOT BE ISSUED FOR A PARCEL, THE DEPART-
38 MENT SHALL NOTIFY THE APPLICANT OF THAT FACT. A PROPERTY OWNER MAY SEEK
39 RECONSIDERATION OF THE REBATE AMOUNT DETERMINATION FOR HIS OR HER PARCEL
40 ON THE GROUNDS THAT THE PARCEL'S AFFILIATED INCOME WAS DETERMINED ERRO-
41 NEOUSLY. A PROPERTY OWNER MAY ALSO SEEK RECONSIDERATION IF NO REBATE WAS
42 ISSUED BECAUSE THE PARCEL'S AFFILIATED INCOME WAS UNDETERMINED. AN
43 APPLICATION FOR RECONSIDERATION OF REBATE AMOUNT SHALL BE MADE IN A
44 MANNER PRESCRIBED BY THE DEPARTMENT, AND SHALL BE ACCOMPANIED BY SUCH
45 DOCUMENTATION AS THE DEPARTMENT MAY REQUIRE. SUCH APPLICATION SHALL BE
46 FILED NO LATER THAN MARCH THIRTY-FIRST, TWO THOUSAND ELEVEN. IF THE
47 DEPARTMENT FINDS AFTER REVIEWING SUCH AN APPLICATION THAT THE REBATE
48 AMOUNT DETERMINATION FOR A PARCEL SHOULD BE CORRECTED, IT SHALL ISSUE AN
49 AMENDED OR INITIAL REBATE CHECK. IF THE DEPARTMENT FINDS AFTER REVIEWING
50 SUCH AN APPLICATION THAT THE REBATE AMOUNT DETERMINATION FOR THE PARCEL
51 WAS CORRECTLY DETERMINED, IT SHALL SO NOTIFY THE APPLICANT. SUCH NOTIFI-
52 CATION SHALL INCLUDE AN EXPLANATION OF THE DEPARTMENT'S FINDINGS, INDI-
53 CATE THAT THE APPLICANT HAS THE RIGHT TO A PROCEEDING UNDER ARTICLE
54 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES, AND INDICATE THE
55 STATUTE OF LIMITATIONS ASSOCIATED WITH SUCH PROCEEDINGS. SUCH FINDING

1 SHALL BE SUBJECT TO REVIEW PURSUANT ONLY TO A PROCEEDING UNDER ARTICLE
2 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

3 11. SPECIAL PROVISIONS RELATING TO CO-OPERATIVE APARTMENT UNITS AND
4 MOBILE HOMES. THE DEPARTMENT'S DETERMINATION OF AFFILIATED INCOME SHALL
5 BE MADE WITH RESPECT TO THE TENANT-SHAREHOLDERS OR OWNERS OF THE UNIT IN
6 QUESTION RATHER THAN OF THE PARCEL.

7 12. SUBSEQUENT YEARS. IN EACH YEAR SUBSEQUENT TO TWO THOUSAND TEN,
8 AFFILIATED INCOMES SHALL CONTINUE TO BE DETERMINED AS PROVIDED BY THIS
9 SECTION FOR PURPOSES OF THE "MIDDLE CLASS STAR" REBATE PROGRAM, EXCEPT
10 THAT:

11 (A) THE NOTIFICATION REQUIREMENT OF SUBDIVISION SEVEN OF THIS SECTION
12 SHALL NOT BE APPLICABLE;

13 (B) APPLICATIONS SHALL BE REQUIRED ONLY AS PROVIDED IN SUBDIVISION
14 EIGHT OF THIS SECTION; AND

15 (C) IN EACH SUBSEQUENT YEAR, THE APPLICABLE INCOME TAX YEAR FOR DETER-
16 MINATIONS UNDER THIS SECTION SHALL BE ADVANCED ONE YEAR. ALL OTHER
17 APPLICABLE DATES AND DEADLINES WHICH REFERENCE A DATE IN TWO THOUSAND
18 TEN SHALL BE ADVANCED AND SHALL BE DEEMED TO REFERENCE DATES IN THAT
19 SUBSEQUENT YEAR, EXCEPT THAT APPLICATIONS FOR RECONSIDERATION OF REBATE
20 AMOUNT DETERMINATIONS SHALL BE SUBMITTED NO LATER THAN MARCH
21 THIRTY-FIRST OF THE ENSUING YEAR.

22 13. CONFIDENTIAL INFORMATION; DISCLOSURE PROHIBITION. INFORMATION
23 REGARDING REBATES ISSUED TO INDIVIDUALS SHALL NOT BE SUBJECT TO DISCLO-
24 SURE; INCLUDING NAMES, ADDRESSES, AND DOLLAR AMOUNTS OF REBATES. IN
25 ADDITION, ALL APPLICATIONS SUBMITTED FOR REBATES SHALL NOT BE SUBJECT TO
26 DISCLOSURE.

27 14. DEADLINE. IF ANY APPLICABLE DEADLINE SHALL FALL ON A SATURDAY,
28 SUNDAY OR LEGAL HOLIDAY, SUCH DEADLINE SHALL BE ADVANCED TO THE NEXT
29 BUSINESS DAY.

30 15. AFFILIATED INCOME BRACKETS; INDEXING. THE DEPARTMENT SHALL ESTAB-
31 LISH THE AFFILIATED INCOME BRACKETS TO BE ASSOCIATED WITH THE REBATE
32 AMOUNTS FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR
33 AND EACH SCHOOL YEAR THEREAFTER BY APPLYING THE INFLATION FACTOR SET
34 FORTH IN THIS SUBDIVISION TO THE FIGURES THAT DEFINED THE INCOME BRACK-
35 ETS THAT WERE APPLICABLE TO THE TWO THOUSAND TWELVE--TWO THOUSAND THIR-
36 TEEN SCHOOL YEAR, AND ROUNDING EACH RESULT TO THE NEAREST MULTIPLE OF
37 ONE HUNDRED DOLLARS. FOR PURPOSES OF THIS SUBDIVISION, THE "INFLATION
38 FACTOR" FOR EACH INCOME BRACKET SHALL BE DETERMINED BY THE PERCENTAGE
39 INCREASE IN THE CONSUMER PRICE INDEX FOR URBAN WAGE EARNERS AND CLERICAL
40 WORKERS (CPI-W) PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR,
41 BUREAU OF LABOR STATISTICS, FOR THE THIRD QUARTER OF THE CALENDAR YEAR
42 PRECEDING THE APPLICABLE SCHOOL YEAR, AS COMPARED TO THE THIRD QUARTER
43 OF THE PRIOR CALENDAR YEAR. IF A BASE FIGURE AS SO DETERMINED IS NOT
44 EXACTLY EQUAL TO A MULTIPLE OF ONE HUNDRED DOLLARS, IT SHALL BE ROUNDED
45 TO THE NEAREST MULTIPLE OF ONE HUNDRED DOLLARS. IN EACH SUBSEQUENT
46 SCHOOL YEAR, THE PRIOR YEAR'S INCOME BRACKETS SHALL BE INDEXED USING THE
47 ABOVE FORMULA WITH EACH YEAR ADVANCED BY ONE YEAR.

48 16. BEGINNING IN FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE,
49 THE DEPARTMENT SHALL DETERMINE WHICH PROGRAM PROVIDES A LARGER BENEFIT
50 TO A TAXPAYER, THE "MIDDLE CLASS STAR" REBATE PROGRAM IMPLEMENTED BY
51 SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW OR THE MAXI-
52 MUM RESIDENTIAL SCHOOL TAX CREDIT AUTHORIZED PURSUANT TO SUBSECTION (QQ)
53 OF SECTION SIX HUNDRED SIX OF THIS CHAPTER, AND SHALL ENSURE THAT THE
54 TAXPAYER RECEIVES THAT AMOUNT OF BENEFIT IN ANY GIVEN TAXABLE YEAR.

55 S 3. This act shall take effect immediately.