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

February 9, 2012

Introduced by M. of A. WALTER, MONTESANO, CASTELLI, GRAF, TENNEY, FINCH -- Multi-Sponsored by -- M. of A. BARCLAY, RA, SALADINO -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to capping real property assessments for persons seventy years of age or more

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 467-g to read as follows:

S 467-G. EXEMPTION FOR HOMEOWNERS SEVENTY YEARS OF AGE AND OLDER. 1. REAL PROPERTY OWNED IN WHOLE OR IN PART BY A PERSON SEVENTY YEARS OF AGE OR OLDER MAY, UPON APPLICATION THEREFOR, HAVE THE ASSESSMENT CAPPED AT THE FIGURE USED IN THE YEAR PRIOR TO THE YEAR IN WHICH THIS SECTION TAKES EFFECT OR IN THE YEAR PRIOR TO THE YEAR IN WHICH SUCH OWNERSHIP INTEREST IS ACQUIRED, WHICHEVER YEAR IS LATER IN TIME. APPLICATION SHALL BE MADE TO THE APPROPRIATE LOCAL ASSESSOR'S OFFICE UPON FORMS PROVIDED BY SUCH ASSESSOR. AS USED IN THIS SECTION, THE PHRASE "IN WHOLE OR IN PART" SHALL BE LIMITED TO AT LEAST AN UNDIVIDED FIFTY PERCENT INTEREST. THE PROVISIONS OF THIS SECTION ARE LIMITED TO PERSONS SEVENTY YEARS OF AGE OR OLDER WITH AN ANNUAL INCOME OF ONE HUNDRED THOUSAND DOLLARS OR LESS. THIS SECTION SHALL ONLY APPLY IF THE INDIVIDUAL OR BODY THAT SELECTS THE ASSESSOR SHALL ADOPT ITS APPLICATION.

2. A. IF THIS EXEMPTION IS ADOPTED, THE LOCAL ASSESSOR SHALL NOTIFY, OR CAUSE TO BE NOTIFIED, EACH PERSON OWNING RESIDENTIAL REAL PROPERTY IN THE JURISDICTION OF THE PROVISIONS OF THIS SECTION. THE PROVISIONS OF THIS SUBDIVISION MAY BE MET BY A NOTICE SENT TO SUCH PERSONS IN SUBSTANTIALLY THE FOLLOWING FORM: "RESIDENTIAL REAL PROPERTY MAY QUALIFY FOR A PARTIAL EXEMPTION FROM TAXES. TO RECEIVE SUCH EXEMPTION, QUALIFYING OWNERS MUST FILE AN APPLICATION WITH THEIR LOCAL ASSESSOR ON OR BEFORE THE APPLICABLE TAXABLE STATUS DATE. FOR FURTHER INFORMATION, PLEASE CONTACT YOUR LOCAL ASSESSOR."

B. IN THE CASE OF A PARCEL WHICH WAS GRANTED THIS EXEMPTION ON THE PRECEDING ASSESSMENT ROLL, THE ASSESSOR SHALL CAUSE A NOTICE, PREFERABLY ON A POSTCARD, TO BE MAILED TO THE OWNER OR OWNERS ANNUALLY, AT LEAST

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

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SIXTY DAYS BEFORE THE APPROPRIATE TAXABLE STATUS DATE. EACH SUCH NOTICE SHALL BE MAILED WITHOUT RESTRICTIONS UPON FORWARDING OR DELIVERY, AND SHALL CONTAIN, IN LANGUAGE PRESCRIBED BY THE COMMISSIONER:

(I) THE INCOME STANDARD FOR THE APPLICABLE INCOME TAX YEAR;

(II) A STATEMENT TO THE EFFECT THAT RECIPIENTS ARE NOT REQUIRED TO SUBMIT INCOME TAX RETURNS OR OTHER INCOME DOCUMENTATION TO THE ASSESSOR EACH YEAR, AS LONG AS THE DEPARTMENT IS ABLE TO VERIFY THEIR INCOME ELIGIBILITY;

(III) A STATEMENT TO THE EFFECT THAT TO CONTINUE RECEIVING THE EXEMPTION, THEY MUST CONTINUE TO SATISFY THE APPLICABLE RESIDENCY AND OWNERSHIP REQUIREMENTS, FOLLOWED BY A SUMMARY OF THOSE REQUIREMENTS;

(IV) A STATEMENT TO THE EFFECT THAT THEY ARE REQUESTED TO NOTIFY THE ASSESSOR BY TAXABLE STATUS DATE IF THE PROPERTY IS NO LONGER THEIR PRIMARY RESIDENCE, OR IF THERE HAS BEEN ANY CHANGE IN THE OWNERSHIP OF THE PROPERTY; AND

(V) A STATEMENT TO THE EFFECT THAT IF THERE HAS BEEN NO CHANGE IN THEIR PRIMARY RESIDENCE OR IN THE OWNERSHIP OF THE PROPERTY, AND THEY EXPECT THE DEPARTMENT TO BE ABLE TO VERIFY THEIR INCOME ELIGIBILITY FOR THE APPLICABLE INCOME TAX YEAR, THERE IS NO REASON FOR THEM TO CONTACT THE ASSESSOR AT THIS TIME.

C. A SENIOR CITIZEN ELIGIBLE FOR THE EXEMPTION MAY REQUEST THAT A NOTICE BE SENT TO AN ADULT THIRD PARTY. SUCH REQUEST SHALL BE MADE ON A FORM PRESCRIBED BY THE COMMISSIONER AND SHALL BE SUBMITTED TO THE ASSESSOR OF THE ASSESSING UNIT IN WHICH THE ELIGIBLE TAXPAYER RESIDES NO LATER THAN SIXTY DAYS BEFORE THE FIRST TAXABLE STATUS DATE TO WHICH IT IS TO APPLY. SUCH FORM SHALL PROVIDE A SECTION WHEREBY THE DESIGNATED THIRD PARTY SHALL CONSENT TO SUCH DESIGNATION. SUCH REQUEST SHALL BE EFFECTIVE UPON RECEIPT BY THE ASSESSOR. THE ASSESSOR SHALL MAINTAIN A LIST OF ALL ELIGIBLE PROPERTY OWNERS WHO HAVE REQUESTED NOTICES PURSUANT TO THIS PARAGRAPH.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.