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

4811

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the real property tax law, in relation to creating a senior citizen school tax freeze exemption for school tax purposes for certain persons sixty-five years of age or over

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. SENIOR CITIZEN SCHOOL TAX FREEZE EXEMPTION. 1. (A) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF SECTION FOUR HUNDRED SIXTY-SEVEN OF THIS TITLE OR ANY OTHER PROVISION OF LAW, REAL PROPERTY OWNED BY ONE OR MORE PERSONS EACH OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OVER, OR REAL PROPERTY OWNED BY HUSBAND AND WIFE OR BY SIBLINGS, ONE OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OVER AND THE YOUNGEST OWNER IS AT LEAST SIXTY-TWO YEARS OF AGE; SUCH PERSONS HAVING RESIDED IN THE SAME SCHOOL DISTRICT FOR AT LEAST THIRTY YEARS AND DO NOT HAVE ANY CHILDREN ENROLLED IN SUCH SCHOOL DISTRICT; AND SUCH PERSONS HAVING MET THE INCOME ELIGIBILITY STANDARDS AS SET FORTH IN PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE, SHALL BE EXEMPT FROM TAXATION BY ANY MUNICIPAL CORPORATION FOR SCHOOL PURPOSES IN ACCORDANCE WITH THIS SUBDIVISION.

(B) FOR ANY PERSON WHO OTHERWISE QUALIFIES UNDER PARAGRAPH (A) OF THIS SUBDIVISION, THE AMOUNT OF TAXES SUCH PERSON PAID IN THE YEAR IN WHICH THEY ATTAINED THE AGE OF SIXTY-FIVE YEARS SHALL BE ESTABLISHED AS THE TAXPAYER'S BASE AMOUNT, AND SUCH BASE AMOUNT SHALL NOT BE INCREASED FOR THE REMAINDER OF SUCH PERSON'S OWNERSHIP OF THE REAL PROPERTY. SUCH AMOUNT SHALL BE SUBJECT TO THE FOLLOWING ANNUAL EXEMPTIONS:

NUMBER OF YEARS AFTER QUALIFYING FOR REAL PROPERTY TAX FREEZE	AMOUNT OF EXEMPTION

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

LBD11077-01-1

1 YEAR	10% OF THE TAXPAYER'S BASE AMOUNT
2 YEARS	20% OF THE TAXPAYER'S BASE AMOUNT
3 YEARS	30% OF THE TAXPAYER'S BASE AMOUNT
4 YEARS	40% OF THE TAXPAYER'S BASE AMOUNT
5 YEARS	50% OF THE TAXPAYER'S BASE AMOUNT
6 YEARS	60% OF THE TAXPAYER'S BASE AMOUNT
7 YEARS	70% OF THE TAXPAYER'S BASE AMOUNT
8 YEARS	80% OF THE TAXPAYER'S BASE AMOUNT
9 YEARS	90% OF THE TAXPAYER'S BASE AMOUNT
10 YEARS AND EVERY YEAR THEREAFTER	100% OF THE TAXPAYER'S BASE AMOUNT

2. APPLICABILITY AND INCOME ELIGIBILITY. ALL OF THE PROVISIONS OF SECTION FOUR HUNDRED SIXTY-SEVEN OF THIS TITLE APPLICABLE TO THE GRANTING OF EXEMPTIONS FOR GENERAL, COUNTY, CITY, TOWN OR VILLAGE PURPOSES INSOFAR AS SUCH PROVISIONS ARE NOT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION SHALL BE APPLICABLE TO THE EFFECTUATING OF THE EXEMPTION PROVIDED IN THIS SECTION; PROVIDED HOWEVER, THE INCOME ELIGIBILITY LEVEL APPLICABLE TO THE EFFECTUATING OF THE EXEMPTION FOR SCHOOL PURPOSES PROVIDED IN THIS SECTION SHALL BE IN ACCORDANCE WITH PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE.

3. QUALIFICATION. (A) TO QUALIFY FOR EXEMPTION PURSUANT TO THIS SECTION, THE PROPERTY MUST BE A ONE, TWO OR THREE FAMILY RESIDENCE, A FARM DWELLING OR RESIDENTIAL PROPERTY HELD IN CONDOMINIUM OR COOPERATIVE FORM OF OWNERSHIP. IF THE PROPERTY IS NOT AN ELIGIBLE TYPE OF PROPERTY, BUT A PORTION OF THE PROPERTY IS PARTIALLY USED BY THE OWNER AS A PRIMARY RESIDENCE, THAT PORTION WHICH IS SO USED SHALL BE ENTITLED TO THE EXEMPTION PROVIDED BY THIS SECTION; PROVIDED THAT IN NO EVENT SHALL THE EXEMPTION EXCEED THE ASSESSED VALUE ATTRIBUTABLE TO THAT PORTION.

(B) PRIMARY RESIDENCE. THE PROPERTY MUST SERVE AS THE PRIMARY RESIDENCE OF ONE OR MORE OF THE OWNERS THEREOF.

(C) TRUSTS. IF LEGAL TITLE TO THE PROPERTY IS HELD BY ONE OR MORE TRUSTEES, THE BENEFICIAL OWNER OR OWNERS SHALL BE DEEMED TO OWN THE PROPERTY FOR PURPOSES OF THIS SUBDIVISION.

(D) FARM DWELLINGS NOT OWNED BY THE RESIDENT. (I) IF LEGAL TITLE TO THE FARM DWELLING IS HELD BY AN S-CORPORATION OR BY A C-CORPORATION, THE EXEMPTION SHALL BE GRANTED IF THE PROPERTY SERVES AS THE PRIMARY RESIDENCE OF A SHAREHOLDER OF SUCH CORPORATION.

(II) IF THE LEGAL TITLE TO THE FARM DWELLING IS HELD BY A PARTNERSHIP, THE EXEMPTION SHALL BE GRANTED IF THE PROPERTY SERVES AS THE PRIMARY RESIDENCE OF ONE OR MORE OF THE PARTNERS.

(III) ANY INFORMATION DEEMED NECESSARY TO ESTABLISH SHAREHOLDER OR PARTNER STATUS FOR ELIGIBILITY PURPOSES SHALL BE CONSIDERED CONFIDENTIAL AND EXEMPT FROM THE FREEDOM OF INFORMATION LAW.

4. LEVY OF TAXES. (A) DETERMINATION OF TAXES DUE. THE AMOUNT OF TAXES TO BE LEVIED FOR ANY SCHOOL YEAR SHALL BE DETERMINED WITHOUT REGARD TO THE FACT THAT STATE AID WILL BE PAYABLE PURSUANT TO THIS SECTION. IN ADDITION, THE TAX RATE FOR ANY SCHOOL YEAR SHALL BE DETERMINED AS IF NO PARCELS WERE EXEMPT FROM TAXATION PURSUANT TO THIS SECTION. HOWEVER, THE TAX RATE SO DETERMINED SHALL BE APPLIED TO THE TAXABLE ASSESSED VALUE OF EACH PARCEL AFTER ACCOUNTING FOR ALL APPLICABLE EXEMPTIONS, INCLUDING THE EXEMPTION AUTHORIZED BY THIS SECTION.

(B) TAX SAVINGS. THE TAX SAVINGS FOR EACH PARCEL RECEIVING THE EXEMPTION AUTHORIZED BY THIS SECTION SHALL BE COMPUTED BY SUBTRACTING THE AMOUNT ACTUALLY LEVIED AGAINST THE PARCEL FROM THE AMOUNT THAT WOULD HAVE BEEN LEVIED IF NOT FOR THE EXEMPTION. A STATEMENT SHALL THEN BE PLACED ON THE TAX BILL FOR THE PARCEL IN SUBSTANTIALLY THE FOLLOWING

FORM: "YOUR TAX SAVINGS THIS YEAR RESULTING FROM THE NEW YORK STATE SENIOR CITIZEN SCHOOL TAX FREEZE PROGRAM IS $_____."

(C) STATE AID. (I) THE TOTAL TAX SAVINGS DULY PROVIDED BY EACH SCHOOL DISTRICT PURSUANT TO THIS SECTION SHALL BE A STATE CHARGE, WHICH SHALL BE PAYABLE AS PROVIDED HEREIN.

(II) A SCHOOL DISTRICT SEEKING STATE AID PURSUANT TO THIS SECTION SHALL SUBMIT AN APPLICATION THEREFOR TO THE COMMISSIONER. THE APPLICATION SHALL INCLUDE SUCH INFORMATION AS THE COMMISSIONER SHALL REQUIRE.

(III) UPON APPROVING AN APPLICATION FOR STATE AID PURSUANT TO THIS SECTION, THE COMMISSIONER SHALL COMPUTE AND CERTIFY TO THE COMMISSIONER OF EDUCATION THE AMOUNTS PAYABLE TO THE SCHOOL DISTRICT. SUCH STATE AID SHALL BE PAYABLE UPON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER FROM VOUCHERS CERTIFIED AND APPROVED BY THE COMMISSIONER OF EDUCATION.

(IV) THE COMMISSIONER MAY AUDIT AN APPLICATION FOR STATE AID PURSUANT TO THIS SECTION WITHIN ONE YEAR AFTER AUTHORIZING PAYMENT THEREON. IF THE COMMISSIONER SHOULD DISCOVER THAT A SCHOOL DISTRICT HAS RECEIVED A GREATER OR LESSER AMOUNT OF SUCH AID THAN IT SHOULD HAVE RECEIVED, THE COMMISSIONER SHALL SO NOTIFY THE SCHOOL DISTRICT, AND SHALL CAUSE THE NEXT PAYMENT OF SUCH AID TO THE SCHOOL DISTRICT TO BE ADJUSTED ACCORDINGLY.

(V) WHEN AN IMPROPERLY GRANTED EXEMPTION HAS BEEN REVOKED IN THE MANNER PROVIDED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE, THE AID PAYABLE TO THE SCHOOL DISTRICT PURSUANT TO THIS SECTION SHALL BE REDUCED BY THE AMOUNT OF THE TAXES ATTRIBUTABLE TO THE REVOKED EXEMPTION.

(D) INSTALLMENT PAYMENTS. WHEN SCHOOL TAXES ARE PAYABLE IN INSTALLMENTS PURSUANT TO LAW, THE TAX SAVINGS PROVIDED BY THIS SECTION SHALL BE APPLIED PROPORTIONALLY AGAINST THE RESPECTIVE INSTALLMENTS.

(E) UNTIMELY PAYMENT OF TAXES. (I) WHEN TAXES ON A PROPERTY RECEIVING THE EXEMPTION AUTHORIZED BY THIS SECTION ARE NOT PAID IN A TIMELY MANNER, INTEREST, PENALTIES AND ANY OTHER APPLICABLE CHARGES SHALL BE IMPOSED ONLY AGAINST THE BALANCE DUE AFTER THE TAX SAVINGS PROVIDED BY THIS SECTION HAVE BEEN DEDUCTED FROM THE TAXES OWED.

(II) WHEN A COUNTY, CITY OR TOWN IS REQUIRED BY SECTION THIRTEEN HUNDRED THIRTY OR THIRTEEN HUNDRED THIRTY-TWO OF THIS CHAPTER, OR BY ANY OTHER GENERAL OR SPECIAL LAW, TO MAKE A PAYMENT TO A SCHOOL DISTRICT ON ACCOUNT OF UNPAID SCHOOL TAXES, THE TAX SAVINGS PROVIDED BY THIS SECTION SHALL BE DEDUCTED FROM THE AMOUNT SO PAYABLE.

5. NOTICE REQUIREMENT. (A) GENERALLY. EVERY SCHOOL DISTRICT SHALL NOTIFY, OR CAUSE TO BE NOTIFIED, EACH PERSON OWNING RESIDENTIAL REAL PROPERTY IN THE SCHOOL DISTRICT 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 SENIOR CITIZEN SCHOOL TAX FREEZE EXEMPTION FROM SCHOOL DISTRICT TAXES UNDER THE NEW YORK STATE SENIOR CITIZEN SCHOOL TAX FREEZE PROGRAM. TO RECEIVE SUCH EXEMPTION, OWNERS OF QUALIFYING PROPERTY 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) THIRD PARTY NOTICE. 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.

(C) NOTICE NOT MAILED OR RECEIVED. FAILURE TO MAIL ANY NOTICE REQUIRED BY THIS SUBDIVISION, OR THE FAILURE OF A PARTY TO RECEIVE SAME, SHALL NOT AFFECT THE VALIDITY OF THE LEVY, COLLECTION, OR ENFORCEMENT OF TAXES ON PROPERTY OWNED BY SUCH PERSON, OR IN THE CASE OF A THIRD PARTY NOTICE, ON PROPERTY OWNED BY THE SENIOR CITIZEN.

6. APPLICATION PROCEDURE. (A) GENERALLY. ALL OWNERS OF THE PROPERTY WHO PRIMARILY RESIDE THEREON MUST JOINTLY FILE AN APPLICATION FOR EXEMPTION WITH THE ASSESSOR ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE. SUCH APPLICATION MAY BE FILED BY MAIL IF IT IS ENCLOSED IN A POST-PAID ENVELOPE PROPERLY ADDRESSED TO THE APPROPRIATE ASSESSOR, DEPOSITED IN A POST OFFICE OR OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE OF THE UNITED STATES POSTAL SERVICE, AND POSTMARKED BY THE UNITED STATES POSTAL SERVICE ON OR BEFORE THE APPLICABLE TAXABLE STATUS DATE. EACH SUCH APPLICATION SHALL BE MADE ON A FORM PRESCRIBED BY THE COMMISSIONER, WHICH SHALL REQUIRE THE APPLICANT OR APPLICANTS TO AGREE TO NOTIFY THE ASSESSOR IF THEIR PRIMARY RESIDENCE CHANGES WHILE THEIR PROPERTY IS RECEIVING THE EXEMPTION. THE ASSESSOR SHALL REQUEST THAT PROOF OF RESIDENCY BE SUBMITTED WITH THE APPLICATION.

(B) FINAL DATE FOR EXEMPTION APPLICATION IN THE CITY OF NEW YORK. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION OR ANY OTHER PROVISION OF LAW, IN THE CITY OF NEW YORK, APPLICATIONS FOR THE EXEMPTION AUTHORIZED PURSUANT TO THIS SECTION SHALL BE CONSIDERED TIMELY FILED IF THEY ARE FILED ON OR BEFORE THE FIFTEENTH DAY OF MARCH OF THE APPROPRIATE YEAR AND IN SUCH CITY ALL REFERENCES IN THIS SECTION TO TAXABLE STATUS DATE SHALL BE DEEMED TO REFER TO THE FIFTEENTH DAY OF MARCH OF THE APPROPRIATE YEAR.

(C) APPROVAL OR DENIAL OF APPLICATION. IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT OR APPLICANTS ARE ENTITLED TO AN EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICATION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM SCHOOL DISTRICT TAXATION AS PROVIDED HEREIN. IF THE ASSESSOR DETERMINES THAT THE APPLICANT OR APPLICANTS ARE NOT ENTITLED TO AN EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL, NOT LATER THAN TEN DAYS PRIOR TO THE DATE FOR HEARING COMPLAINTS IN RELATION TO ASSESSMENTS, MAIL TO EACH APPLICANT NOT ENTITLED TO THE EXEMPTION A NOTICE OF DENIAL OF THAT APPLICATION FOR THE EXEMPTION HEREIN FOR THAT YEAR; EXCEPT THAT IN THE CITY OF NEW YORK, SUCH NOTICE SHALL BE MAILED NOT LATER THAN THIRTY DAYS PRIOR TO THE FINAL DATE FOR FILING AN ASSESSMENT APPEAL AS SET FORTH IN PARAGRAPH (D) OF THIS SUBDIVISION. THE NOTICE OF DENIAL SHALL SPECIFY EACH REASON FOR SUCH DENIAL AND SHALL BE SENT ON A FORM PRESCRIBED BY THE COMMISSIONER. FAILURE TO MAIL ANY SUCH NOTICE OF DENIAL OR THE FAILURE OF ANY PERSON TO RECEIVE SUCH NOTICE SHALL NOT PREVENT THE LEVY, COLLECTION AND ENFORCEMENT OF THE TAXES ON PROPERTY OWNED BY SUCH PERSON.

(D) FINAL DATE FOR FILING ASSESSMENT APPEAL IN THE CITY OF NEW YORK. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE CITY OF NEW YORK, THE FINAL DATE FOR FILING AN ASSESSMENT APPEAL WITH RESPECT TO THE DENIAL OF APPLICATIONS PURSUANT TO THIS SECTION ONLY SHALL BE THE THIRTY-FIRST DAY OF MAY OF THE APPROPRIATE YEAR. WITH RESPECT TO ASSESSMENT APPEALS FILED PURSUANT TO THIS PARAGRAPH AFTER THE FINAL DATE FOR FILING AN ASSESSMENT APPEAL AS SET FORTH IN CHAPTER SEVEN OF THE NEW YORK CITY CHARTER, THE ONLY ISSUES THAT WILL BE DETERMINED BY THE TAX COMMISSION ARE THOSE THAT RELATE TO THE DENIAL OF AN APPLICATION FOR EXEMPTION PURSUANT TO THIS SECTION.

(E) PRIOR YEAR ASSESSMENT ROLLS. (I) WHERE SCHOOL DISTRICT TAXES ARE LEVIED UPON PRIOR YEAR ASSESSMENT ROLLS, THE ASSESSING UNIT MAY ADOPT A LOCAL LAW ALLOWING SENIOR CITIZEN SCHOOL TAX FREEZE EXEMPTION APPLICATIONS FOR EACH SCHOOL YEAR TO BE SUBMITTED ON OR BEFORE THE TAXABLE STATUS DATE OF THE CURRENT YEAR'S ASSESSMENT ROLL. SUCH LOCAL LAW SHALL APPLY TO ASSESSMENT ROLLS BASED UPON TAXABLE STATUS DATES OCCURRING ON OR AFTER THE EFFECTIVE DATE OF SUCH LOCAL LAW AND SHALL REMAIN APPLICABLE THEREAFTER UNLESS AND UNTIL IT SHOULD BE REPEALED OR RESCINDED.

(II) WHEN SUCH A LOCAL LAW IS IN EFFECT THE ELIGIBILITY OF PROPERTY FOR A SENIOR CITIZEN SCHOOL TAX FREEZE EXEMPTION FOR A SCHOOL YEAR SHALL BE BASED UPON THE CONDITION OF THE PROPERTY AS OF THE TAXABLE STATUS DATE OF THE PRIOR YEAR'S ASSESSMENT ROLL, AND THE OWNERSHIP OF THE PROPERTY AS OF THE TAXABLE STATUS DATE OF THE CURRENT YEAR'S ASSESSMENT ROLL. WHEN A SENIOR CITIZEN SCHOOL TAX FREEZE APPLICATION IS APPROVED, THE PRIOR YEAR'S ASSESSMENT ROLL SHALL BE REVISED ACCORDINGLY. WHEN A SENIOR CITIZEN SCHOOL TAX FREEZE APPLICATION IS DENIED, THE APPLICANT MAY SEEK ADMINISTRATIVE AND JUDICIAL REVIEW OF THE DENIAL, SUBJECT TO THE SAME TIMING CONSTRAINTS THAT APPLY TO PERSONS SEEKING REVIEW OF ASSESSMENTS APPEARING ON THE CURRENT YEAR'S ASSESSMENT ROLL.

(III) FOR PURPOSES OF THIS PARAGRAPH, THE TERM "CURRENT YEAR'S ASSESSMENT ROLL" MEANS THE FINAL ASSESSMENT ROLL WHICH IS REQUIRED BY LAW TO BE COMPLETED IN THE CALENDAR YEAR THAT CONTAINS THE FIRST DAY OF THE SCHOOL YEAR IN QUESTION, AND THE TERM "PRIOR YEAR'S ASSESSMENT ROLL" MEANS THE FINAL ASSESSMENT ROLL WHICH WAS REQUIRED BY LAW TO BE COMPLETED IN THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CALENDAR YEAR THAT CONTAINS THE FIRST DAY OF THE SCHOOL YEAR IN QUESTION.

(F) EXCEPT IN THE CITY OF NEW YORK, NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, AN APPLICATION FOR SUCH EXEMPTION MAY BE FILED WITH THE ASSESSOR AFTER THE APPROPRIATE TAXABLE STATUS DATE BUT NOT LATER THAN THE LAST DATE ON WHICH A PETITION WITH RESPECT TO COMPLAINTS OF ASSESSMENT MAY BE FILED, WHERE FAILURE TO FILE A TIMELY APPLICATION RESULTED FROM: (I) A DEATH OF THE APPLICANT'S SPOUSE, CHILD, PARENT, BROTHER OR SISTER; OR (II) AN ILLNESS OF THE APPLICANT OR OF THE APPLICANT'S SPOUSE, CHILD, PARENT, BROTHER OR SISTER, WHICH ACTUALLY PREVENTS THE APPLICANT FROM FILING ON A TIMELY BASIS, AS CERTIFIED BY A LICENSED PHYSICIAN. THE ASSESSOR SHALL APPROVE OR DENY SUCH APPLICATION AS IF IT HAD BEEN FILED ON OR BEFORE THE TAXABLE STATUS DATE.

7. ENTRY ON ASSESSMENT ROLL. (A) THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE AMOUNT OF THE EXEMPTION ENTERED IN A SEPARATE COLUMN.

(B) THE EXEMPTION PROVIDED BY THIS SECTION SHALL BE APPLIED AFTER ALL OTHER EXEMPTIONS ALLOWED BY LAW HAVE BEEN SUBTRACTED FROM THE TOTAL ASSESSED VALUE OF THE PARCEL, NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY.

(C) IN NO EVENT SHALL THE EXEMPTION AUTHORIZED BY THIS SECTION EXCEED THE TOTAL ASSESSED VALUE OF THE PARCEL LESS ALL OTHER EXEMPTIONS ALLOWED BY LAW.

8. EFFECT OF EXEMPTION. THE EXEMPTION SHALL NOT BE CONSIDERED WHEN DETERMINING STATE AID TO EDUCATION PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW, WHEN DETERMINING SCHOOL DISTRICT DEBT LIMITS PURSUANT TO LAW, WHEN DETERMINING THE AMOUNT OF TAXES TO BE LEVIED BY OR ON BEHALF OF A SCHOOL DISTRICT, WHEN CALCULATING TAX RATES FOR A SCHOOL DISTRICT, WHEN APPORTIONING TAXES BETWEEN OR AMONG SCHOOL DISTRICTS, WHEN APPORTIONING TAXES AMONG CLASSES IN A SPECIAL ASSESSING UNIT UNDER ARTICLE EIGHTEEN OF THIS CHAPTER, OR WHEN APPORTIONING TAXES

BETWEEN CLASSES IN AN APPROVED ASSESSING UNIT UNDER ARTICLE NINETEEN OF THIS CHAPTER.

9. PROOF OF RESIDENCY. (A) REQUESTS. FROM TIME TO TIME, THE ASSESSOR MAY REQUEST PROOF OF RESIDENCY FROM THE OWNER OR OWNERS OF ANY PROPERTY WHICH IS EXEMPT PURSUANT TO THIS SECTION. IN ADDITION, THE ASSESSOR SHALL REQUEST PROOF OF RESIDENCY FROM ANY SUCH OWNER OR OWNERS WHEN REQUESTED TO DO SO BY THE COMMISSIONER.

(B) TIMING. A REQUEST FOR PROOF OF RESIDENCY SHALL BE MAILED AT LEAST SIXTY DAYS PRIOR TO THE ENSUING TAXABLE STATUS DATE. THE OWNER OR OWNERS SHALL SUBMIT PROOF OF THEIR RESIDENCY TO THE ASSESSOR ON OR BEFORE THE ENSUING TAXABLE STATUS DATE.

(C) REVIEW OF SUBMISSION. THE BURDEN SHALL BE ON THE OWNER OR OWNERS TO ESTABLISH THAT THE PROPERTY IS THEIR PRIMARY RESIDENCE. IF THEY SUBMIT PROOF OF RESIDENCY ON OR BEFORE THE ENSUING TAXABLE STATUS DATE, AND THE SUBMISSION DEMONSTRATES TO THE ASSESSOR'S SATISFACTION THAT THE PROPERTY IS THE PRIMARY RESIDENCE OF ONE OR MORE OF THE OWNERS THEREOF, AND IF THE REQUIREMENTS OF THIS SECTION ARE OTHERWISE SATISFIED, THE EXEMPTION SHALL CONTINUE IN EFFECT ON THE ENSUING TENTATIVE ASSESSMENT ROLL. OTHERWISE, THE ASSESSOR SHALL DISCONTINUE THE EXEMPTION ON THE NEXT ENSUING TENTATIVE ASSESSMENT ROLL AS PROVIDED HEREIN, AND, WHERE APPROPRIATE, SHALL PROCEED AS FURTHER PROVIDED HEREIN.

10. DISCONTINUANCE OF EXEMPTION. (A) GENERALLY. THE ASSESSOR SHALL DISCONTINUE ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION IF IT APPEARS THAT:

(I) THE PROPERTY MAY NOT BE THE PRIMARY RESIDENCE OF THE OWNER OR OWNERS WHO APPLIED FOR THE EXEMPTION,

(II) TITLE TO THE PROPERTY HAS BEEN TRANSFERRED TO A NEW OWNER OR OWNERS, OR

(III) THE PROPERTY OTHERWISE MAY NO LONGER BE ELIGIBLE FOR THE EXEMPTION.

(B) RIGHTS OF OWNERS. UPON DETERMINING THAT AN EXEMPTION GRANTED PURSUANT TO THIS SECTION SHOULD BE DISCONTINUED, THE ASSESSOR SHALL MAIL A NOTICE SO STATING TO THE OWNER OR OWNERS THEREOF AT THE TIME AND IN THE MANNER PROVIDED BY SECTION FIVE HUNDRED TEN OF THIS CHAPTER. SUCH OWNER OR OWNERS SHALL BE ENTITLED TO SEEK ADMINISTRATIVE AND JUDICIAL REVIEW OF SUCH ACTION IN THE MANNER PROVIDED BY LAW, PROVIDED, THAT THE BURDEN SHALL BE ON SUCH OWNER OR OWNERS TO ESTABLISH ELIGIBILITY FOR THE EXEMPTION.

11. REVOCATION OF PRIOR EXEMPTIONS. (A) GENERALLY. IN ADDITION TO DISCONTINUING THE EXEMPTION ON THE NEXT ENSUING TENTATIVE ASSESSMENT ROLL, IF THE ASSESSOR DETERMINES THAT THE PROPERTY IMPROPERLY RECEIVED THE EXEMPTION ON ONE OR MORE OF THE THREE PRECEDING ASSESSMENT ROLLS, THE ASSESSOR SHALL PROCEED TO REVOKE THE IMPROPERLY GRANTED PRIOR EXEMPTION OR EXEMPTIONS.

(B) PROCEDURE. THE ASSESSED VALUE ATTRIBUTABLE TO EACH SUCH IMPROPERLY GRANTED EXEMPTION SHALL BE ENTERED SEPARATELY ON THE NEXT ENSUING TENTATIVE OR FINAL ASSESSMENT ROLL. THE PROVISIONS OF SECTION FIVE HUNDRED FIFTY-ONE OR FIVE HUNDRED FIFTY-THREE OF THIS CHAPTER, RELATING TO THE ENTRY BY THE ASSESSOR OF OMITTED REAL PROPERTY ON A TENTATIVE OR FINAL ASSESSMENT ROLL, SHALL APPLY SO FAR AS PRACTICABLE TO THE REVOCATION PROCEDURE, EXCEPT THAT THE TAX RATE TO BE APPLIED TO ANY REVOKED EXEMPTION SHALL BE THE TAX RATE THAT WAS APPLIED TO THE CORRESPONDING ASSESSMENT ROLL.

(C) RIGHTS OF OWNERS. EACH OWNER OR OWNERS SHALL BE GIVEN NOTICE OF THE POSSIBLE REVOCATION OF THEIR EXEMPTION OR EXEMPTIONS AT THE TIME AND IN THE MANNER PROVIDED BY SECTION FIVE HUNDRED TEN OR FIVE HUNDRED

FIFTY-THREE OF THIS CHAPTER, AND SHALL BE ENTITLED TO SEEK ADMINISTRATIVE AND JUDICIAL REVIEW OF SUCH ACTION IN THE MANNER PROVIDED BY LAW.

12. PENALTY FOR MATERIAL MISSTATEMENTS. (A) GENERALLY. IF THE ASSESSOR SHOULD DETERMINE, WITHIN THREE YEARS FROM THE FILING OF AN APPLICATION FOR EXEMPTION PURSUANT TO THIS SECTION, THAT THERE WAS A MATERIAL MISSTATEMENT ON THE APPLICATION, HE OR SHE SHALL PROCEED TO IMPOSE A PENALTY TAX AGAINST THE PROPERTY OF ONE HUNDRED DOLLARS. AN APPLICATION SHALL BE DEEMED TO CONTAIN A MATERIAL MISSTATEMENT FOR THIS PURPOSE WHEN EITHER:

(I) THE APPLICANT OR APPLICANTS CLAIMED THAT THE PROPERTY WAS THEIR PRIMARY RESIDENCE, WHEN IT WAS NOT;

(II) THE APPLICANT OR APPLICANTS MISREPRESENTED THEIR AGE SO AS TO APPEAR ELIGIBLE FOR SUCH EXEMPTION, WHEN THEY WERE NOT;

(III) THE APPLICANT OR APPLICANTS CLAIMED THEY DID NOT HAVE A CHILD ENROLLED IN SUCH SCHOOL DISTRICT, WHEN THEY DID; OR

(IV) THE APPLICANT OR APPLICANTS CLAIMED THEY HAD RESIDED IN THE SCHOOL DISTRICT CONTINUOUSLY FOR THIRTY YEARS, WHEN THEY HAD NOT.

(B) PROCEDURE. WHEN THE ASSESSOR DETERMINES THAT A PENALTY TAX SHOULD BE IMPOSED, THE PENALTY TAX SHALL BE ENTERED ON THE NEXT ENSUING TENTATIVE OR FINAL ASSESSMENT ROLL. THE PROCEDURES SET FORTH IN SECTION FIVE HUNDRED FIFTY-ONE OR FIVE HUNDRED FIFTY-THREE OF THIS CHAPTER, RELATING TO THE ENTRY BY THE ASSESSOR OF OMITTED REAL PROPERTY ON A TENTATIVE OR FINAL ASSESSMENT ROLL, SHALL APPLY SO FAR AS PRACTICABLE WHEN IMPOSING A PENALTY TAX PURSUANT TO THIS SUBDIVISION. EACH OWNER OR OWNERS SHALL BE GIVEN NOTICE OF THE POSSIBLE IMPOSITION OF A PENALTY TAX AT THE TIME AND IN THE MANNER PROVIDED BY SECTION FIVE HUNDRED TEN OR FIVE HUNDRED FIFTY-THREE OF THIS CHAPTER, AND SHALL BE ENTITLED TO SEEK ADMINISTRATIVE AND JUDICIAL REVIEW OF SUCH ACTION IN THE MANNER PROVIDED BY LAW. ANY PENALTY TAX IMPOSED PURSUANT TO THIS SUBDIVISION SHALL BE RETAINED BY THE ASSESSING UNIT.

(C) ADDITIONAL CONSEQUENCES. A PENALTY TAX MAY BE IMPOSED PURSUANT TO THIS SUBDIVISION WHETHER OR NOT THE IMPROPER EXEMPTION HAS BEEN REVOKED IN THE MANNER PROVIDED BY THIS SECTION. IN ADDITION, A PERSON OR PERSONS WHO ARE FOUND TO HAVE MADE A MATERIAL MISSTATEMENT SHALL BE DISQUALIFIED FROM FURTHER EXEMPTION PURSUANT TO THIS SECTION FOR A PERIOD OF FIVE YEARS, AND MAY BE SUBJECT TO PROSECUTION PURSUANT TO THE PENAL LAW.

13. INCONSISTENT LAWS SUPERSEDED. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL SCHOOL DISTRICTS, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

S 2. This act shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after the first of January next succeeding the date on which this act shall have become a law.