

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

5052--A

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. BALL -- 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, in relation to establishing a capped real property school tax rate for persons sixty-seven years of age or older whose combined annual income is sixty thousand dollars or less

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 431 to read as follows:
3 S 431. PERSONS SIXTY-SEVEN YEARS OF AGE OR OVER; CAPPED REAL PROPERTY
4 SCHOOL TAX RATE. 1. (A) RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED BY
5 ONE OR MORE PERSONS, EACH OF WHOM IS SIXTY-SEVEN YEARS OF AGE OR OVER
6 AND WHOSE COMBINED ANNUAL INCOME IS SIXTY THOUSAND DOLLARS OR LESS, OR
7 RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED BY HUSBAND AND WIFE, ONE OF
8 WHOM IS SIXTY-SEVEN YEARS OF AGE OR OVER AND WHOSE COMBINED ANNUAL
9 INCOME IS SIXTY THOUSAND DOLLARS OR LESS, SHALL BE ELIGIBLE FOR THE
10 CAPPED REAL PROPERTY SCHOOL TAX RATE SET FORTH IN THIS SECTION.
11 (B) FOR PURPOSES OF THIS SECTION, THE TERM "CAPPED REAL PROPERTY
12 SCHOOL TAX RATE" SHALL MEAN THE LOWER OF:
13 (I) THE REAL PROPERTY SCHOOL TAX RATE ESTABLISHED ON THE TAXABLE
14 STATUS DATE NEXT SUCCEEDING THE DATE ON WHICH AN ELIGIBLE PERSON ATTAINS
15 THE AGE OF SIXTY-SEVEN YEARS; OR
16 (II) THE REAL PROPERTY SCHOOL TAX RATE ESTABLISHED ON ANY TAXABLE
17 STATUS DATE SUBSEQUENT TO THE DATE ON WHICH AN ELIGIBLE PERSON ATTAINS
18 THE AGE OF SIXTY-SEVEN YEARS, WHICH IS LOWER THAN THE REAL PROPERTY
19 SCHOOL TAX RATE ESTABLISHED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARA-
20 GRAPH.

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

LBD09982-03-2

1 (C) THE CAPPED REAL PROPERTY SCHOOL TAX RATE SHALL BE DETERMINED ANNU-
2 ALLY FOR EACH ELIGIBLE PERSON SIXTY-SEVEN YEARS OF AGE OR OLDER IN
3 ACCORDANCE WITH THE PROVISIONS OF PARAGRAPHS (A) AND (B) OF THIS SUBDI-
4 VISION.

5 2. ANY PERSON ELIGIBLE FOR THE CAPPED REAL PROPERTY SCHOOL TAX RATE
6 SHALL APPLY ANNUALLY FOR SUCH CAPPED RATE. SUCH APPLICATION SHALL BE
7 MADE IN A MANNER AND FORM DETERMINED BY THE COMMISSIONER AND SHALL
8 REQUIRE PROOF OF THE APPLICANT'S AGE. SUCH APPLICATION SHALL BE FILED
9 WITH THE LOCAL ASSESSOR ON OR BEFORE THE TAXABLE STATUS DATE FOR SUCH
10 DISTRICT.

11 3. EVERY SCHOOL DISTRICT SHALL NOTIFY, OR CAUSE TO BE NOTIFIED, EACH
12 PERSON OWNING RESIDENTIAL REAL PROPERTY IN THE SCHOOL DISTRICT OF THE
13 PROVISIONS OF THIS SECTION. THE PROVISIONS OF THIS SUBDIVISION MAY BE
14 MET BY A NOTICE SENT TO SUCH PERSONS IN SUBSTANTIALLY THE FOLLOWING
15 FORM: "RESIDENTIAL REAL PROPERTY OWNED BY PERSONS SIXTY-SEVEN YEARS OF
16 AGE OR OLDER MAY BE ELIGIBLE FOR A CAPPED REAL PROPERTY SCHOOL TAX RATE.
17 TO RECEIVE SUCH CAPPED RATE, ELIGIBLE OWNERS OF QUALIFYING PROPERTY MUST
18 FILE AN APPLICATION WITH THEIR LOCAL ASSESSOR ON OR BEFORE THE APPLICA-
19 BLE TAXABLE STATUS DATE. FOR FURTHER INFORMATION, PLEASE CONTACT YOUR
20 LOCAL ASSESSOR."

21 S 2. This act shall take effect January 1, 2013 and shall apply to
22 assessment rolls prepared on the basis of taxable status dates occurring
23 on or after such date.