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

7675

I N S E N A T E

June 13, 2012

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

AN ACT to amend the real property tax law, in relation to the real property exemption for certain portions of property owned by veterans' organizations

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

Section 1. Subdivision 2 of section 452 of the real property tax law is amended to read as follows:

2. (A) Such real property shall be so exempt although it or a portion thereof is used by another corporation or association whose real property would be entitled to an exemption pursuant to any section in titles one or two of this article except sections four hundred eight, four hundred forty, four hundred sixty-six or four hundred seventy-eight, if such corporation or association itself owned such real property, as long as any moneys paid to the owning corporation, association or post by the using corporation or association do not exceed the amount of carrying, maintenance and depreciation charges of the property or portion thereof, as the case may be.

(B) If a portion of such real property is actually and exclusively used by any person whose real property would not be so entitled to an exemption, such portion shall be subject to taxation, special ad valorem levies and special assessments and the remaining portion only shall be exempt as provided herein SUBJECT TO THE PROVISIONS OF PARAGRAPH (C) OF THIS SUBDIVISION.

(C) THE PORTION OF REAL PROPERTY WHICH WOULD OTHERWISE BE SUBJECT TO TAXATION, SPECIAL AD VALOREM LEVIES AND SPECIAL ASSESSMENTS UNDER PARAGRAPH (B) OF THIS SUBDIVISION SHALL BE EXEMPT THEREFROM FOR PURPOSES OF ANY MUNICIPAL CORPORATION IN WHICH SUCH PROPERTY IS LOCATED ONLY IF THE GOVERNING BODY OF SUCH MUNICIPAL CORPORATION, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION SO PROVIDING.

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

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

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