

2039

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 11, 2011

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Introduced by M. of A. TEDISCO, CROUCH, BURLING, RAIA -- Multi-Sponsored  
by -- M. of A. BARCLAY, BUTLER, CALHOUN, CONTE, FINCH, GIGLIO, KOLB,  
McDONOUGH, OAKS, RABBITT, REILICH, SALADINO, SAYWARD, THIELE -- read  
once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, the tax law, the administra-  
tive code of the city of New York and the state finance law, in  
relation to establishing a Co-STAR program for seniors and farmers

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

1     Section 1. The real property tax law is amended by adding two new  
2     sections 425-b and 425-c to read as follows:  
3     S 425-B. CO-STAR PROGRAM FOR SENIOR CITIZENS. 1. GENERALLY. WHEN REAL  
4     PROPERTY RECEIVES THE ENHANCED STAR EXEMPTION FROM SCHOOL DISTRICT TAXA-  
5     TION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE, THE  
6     PROPERTY SHALL BE DESIGNATED AS ELIGIBLE FOR A CO-STAR ASSESSMENT ON THE  
7     SAME ASSESSMENT ROLL IN THE MANNER PROVIDED BY THIS SECTION, AND THE  
8     QUALIFIED OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE ENTITLED TO A  
9     COUNTY TAX REBATE IN THE AMOUNT AND MANNER PROVIDED BY SECTION ONE  
10    HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW. NO SEPARATE APPLICATION NEED BE  
11    FILED FOR SUCH CO-STAR ASSESSMENT OR REBATE.  
12    2. CO-STAR ASSESSMENTS. (A) SUBJECT TO THE PROVISIONS OF PARAGRAPH (B)  
13    OF THIS SUBDIVISION, THE CO-STAR ASSESSMENT FOR EACH ELIGIBLE PARCEL  
14    SHALL BE EQUAL TO THE EXEMPT AMOUNT DETERMINED FOR PURPOSES OF THE  
15    ENHANCED STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE  
16    OF THIS TITLE FOR THE ASSESSING UNIT IN WHICH THE PARCEL IS LOCATED.  
17    (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-  
18    SION, IN NO EVENT SHALL THE CO-STAR ASSESSMENT OF A PARCEL EXCEED THE  
19    TAXABLE ASSESSED VALUE OF THAT PARCEL FOR COUNTY PURPOSES.  
20    3. ENTRY ON ASSESSMENT ROLL; EFFECT. EACH PARCEL WHICH IS ELIGIBLE FOR  
21    A CO-STAR ASSESSMENT SHALL BE DESIGNATED AS SUCH BY THE ASSESSOR ON THE  
22    ASSESSMENT ROLL, PROVIDED, HOWEVER, THAT A CO-STAR ASSESSMENT SHALL NOT

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

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1 AFFECT THE TOTAL OR TAXABLE ASSESSED VALUE OF ANY PARCEL FOR ANY  
2 PURPOSE, AND SHALL NOT BE CONSIDERED WHEN DETERMINING THE TAX RATE OF  
3 ANY COUNTY OR FOR ANY PURPOSE OTHER THAN DETERMINING THE REBATE TO WHICH  
4 THE OWNER-APPLICANT OR OWNER-APPLICANTS ARE ENTITLED UNDER SECTION ONE  
5 HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW.

6 4. PAYMENT OF CO-STAR REBATES. THE COMMISSIONER OF TAXATION AND  
7 FINANCE SHALL PAY CO-STAR REBATES IN THE MANNER PROVIDED BY SECTION ONE  
8 HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW.

9 5. FAILURE TO PAY COUNTY TAXES. IF THE COUNTY TAXES ON AN ELIGIBLE  
10 PARCEL ARE NOT PAID IN FULL DURING THE APPLICABLE COUNTY FISCAL YEAR,  
11 THE OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE SUBJECT TO THE CONSE-  
12 QUENCES SPECIFIED IN SUBDIVISION SIX OF SECTION ONE HUNDRED SEVENTY-SEV-  
13 EN-A OF THE TAX LAW, IN ADDITION TO SUCH OTHER CONSEQUENCES AS MAY BE  
14 PROVIDED BY LAW.

15 6. EXCEPTIONS. (A) COOPERATIVE APARTMENT UNITS AND MOBILE HOMES. WHEN  
16 AN ENHANCED STAR EXEMPTION IS GRANTED PURSUANT TO PARAGRAPH (K) OF  
17 SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE IN  
18 RELATION TO A COOPERATIVE APARTMENT UNIT, OR PURSUANT TO PARAGRAPH (L)  
19 OF SUCH SUBDIVISION IN RELATION TO A MOBILE HOME WHICH IS SEPARATELY  
20 OWNED FROM BUT ASSESSED WITH THE LAND ON WHICH IT IS LOCATED, AND SUCH  
21 COOPERATIVE APARTMENT UNIT OR MOBILE HOME IS ALSO ELIGIBLE FOR A CO-STAR  
22 ASSESSMENT PURSUANT TO THIS SECTION, THE CO-STAR REBATE SHALL BE PAID  
23 DIRECTLY TO THE QUALIFIED OWNER-APPLICANT OR OWNER-APPLICANTS NOTWITH-  
24 STANDING THE FACT THAT THE STAR EXEMPTION APPLIES TO THE PARCEL ITSELF.  
25 THE ASSESSOR SHALL PREPARE A LIST OR DATA FILE IDENTIFYING SUCH  
26 OWNER-APPLICANT OR OWNER-APPLICANTS, THEIR MAILING ADDRESSES, AND THE  
27 TAXABLE ASSESSED VALUE FOR COUNTY PURPOSES ATTRIBUTABLE TO THEIR RESPEC-  
28 TIVE COOPERATIVE APARTMENT UNITS OR MOBILE HOMES, AND SHALL SUBMIT THE  
29 SAME TO THE STATE BOARD WITHIN THIRTY DAYS AFTER THE COMPLETION OF THE  
30 FINAL ASSESSMENT ROLL. SUCH LIST OR DATA FILE SHALL BE PREPARED IN SUCH  
31 FORM AND MANNER AS MAY BE PRESCRIBED BY THE STATE BOARD IN CONSULTATION  
32 WITH THE DEPARTMENT OF TAXATION AND FINANCE.

33 (B) COUNTIES IN CERTAIN CITIES. IN THE CASE OF A COUNTY LOCATED WHOLLY  
34 WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE  
35 CO-STAR ASSESSMENT ASSOCIATED WITH EACH ELIGIBLE PARCEL SHALL BE EQUAL  
36 TO FIFTY PERCENT OF THE EXEMPT AMOUNT DETERMINED FOR PURPOSES OF THE  
37 ENHANCED STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE  
38 OF THIS TITLE FOR SUCH CITY AFTER THE ADJUSTMENT REQUIRED BY PARAGRAPH  
39 (J) OF SUBDIVISION TWO OF SUCH SECTION.

40 7. CORRECTION OF AN INCORRECT ENTRY. AN INCORRECT ENTRY ON AN ASSESS-  
41 MENT ROLL OF A CO-STAR ASSESSMENT MAY BE CORRECTED IN THE MANNER  
42 PROVIDED BY LAW FOR THE CORRECTION OF AN INCORRECT ENTRY OF THE STAR  
43 EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE.  
44 A DENIAL OF A CO-STAR ASSESSMENT SHALL BE SUBJECT TO ADMINISTRATIVE AND  
45 JUDICIAL REVIEW IN THE MANNER PROVIDED BY LAW FOR THE REVIEW OF ASSESS-  
46 MENTS.

47 8. INCONSISTENT LAWS SUPERSEDED. THE PROVISIONS OF THIS SECTION SHALL  
48 APPLY TO ALL ASSESSING UNITS, EXCLUDING VILLAGE ASSESSING UNITS AND  
49 CITIES WITHIN A COUNTY ASSESSING UNIT, AND TO ALL COUNTIES, NOTWITH-  
50 STANDING ANY PROVISION OF LAW TO THE CONTRARY.

51 S 425-C. CO-STAR PROGRAM FOR FARMERS. 1. GENERALLY. WHEN REAL PROPERTY  
52 IS THE PRIMARY RESIDENCE OF AN ELIGIBLE FARMER AS DEFINED IN THIS  
53 SECTION AND THE REQUIREMENTS OF THIS SECTION ARE OTHERWISE SATISFIED,  
54 THE PROPERTY SHALL BE DESIGNATED AS ELIGIBLE FOR A CO-STAR ASSESSMENT IN  
55 THE MANNER PROVIDED BY THIS SECTION, AND THE QUALIFIED OWNER-APPLICANT  
56 OR OWNER-APPLICANTS SHALL BE ENTITLED TO A COUNTY TAX REBATE IN THE

1 AMOUNT AND MANNER PROVIDED BY SECTION ONE HUNDRED SEVENTY-SEVEN-A OF THE  
2 TAX LAW.

3 2. CO-STAR ASSESSMENTS. (A) SUBJECT TO THE PROVISIONS OF PARAGRAPH (B)  
4 OF THIS SUBDIVISION, THE CO-STAR ASSESSMENT FOR EACH ELIGIBLE PARCEL  
5 SHALL BE EQUAL TO THE EXEMPT AMOUNT DETERMINED FOR PURPOSES OF THE BASIC  
6 STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS  
7 TITLE FOR THE ASSESSING UNIT IN WHICH THE PARCEL IS LOCATED.

8 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-  
9 SION, IN NO EVENT SHALL THE CO-STAR ASSESSMENT OF A PARCEL EXCEED THE  
10 TAXABLE ASSESSED VALUE OF THAT PARCEL FOR COUNTY PURPOSES.

11 3. ELIGIBILITY REQUIREMENTS. TO BE DESIGNATED AS ELIGIBLE FOR A  
12 CO-STAR ASSESSMENT PURSUANT TO THIS SECTION, THE PROPERTY MUST BE  
13 RECEIVING THE BASIC STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED  
14 TWENTY-FIVE OF THIS TITLE ON THE SAME ASSESSMENT ROLL, AND MUST BE OWNED  
15 BY, AND SERVE AS THE PRIMARY RESIDENCE OF, AN ELIGIBLE FARMER AS DEFINED  
16 IN THIS SECTION. PROVIDED, HOWEVER, THAT A PARCEL WHICH RECEIVES A  
17 CO-STAR ASSESSMENT PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE-A OF  
18 THIS TITLE MAY NOT ALSO RECEIVE A CO-STAR ASSESSMENT PURSUANT TO THIS  
19 SECTION ON THE SAME ASSESSMENT ROLL.

20 4. ELIGIBLE FARMERS. FOR PURPOSES OF THIS SECTION, A PERSON IS AN  
21 ELIGIBLE FARMER IF HE OR SHE SATISFIES ONE OR MORE OF THE FOLLOWING  
22 CONDITIONS:

23 (A) HE OR SHE IS ELIGIBLE FOR AND HAS CLAIMED THE AGRICULTURAL PROPER-  
24 TY TAX CREDIT AUTHORIZED BY SUBSECTION (N) OF SECTION SIX HUNDRED SIX OF  
25 THE TAX LAW, COMMONLY KNOWN AS THE FARMERS' SCHOOL TAX CREDIT, ON HIS OR  
26 HER NEW YORK STATE PERSONAL INCOME TAX RETURN FOR THE INCOME TAX YEAR  
27 IDENTIFIED IN SUBPARAGRAPH (I) OF PARAGRAPH (B) OF SUBDIVISION FOUR OF  
28 SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE, PROVIDED THAT NOTHING  
29 CONTAINED HEREIN SHALL BE CONSTRUED TO AUTHORIZE OR REQUIRE THE ASSESSOR  
30 TO VERIFY AN APPLICANT'S ELIGIBILITY FOR SUCH CREDIT; OR

31 (B) HE OR SHE OWNS A SUBSTANTIAL INTEREST IN LAND WHICH RECEIVES, OR  
32 WHICH IS ELIGIBLE TO RECEIVE, AN AGRICULTURAL ASSESSMENT PURSUANT TO  
33 SECTION THREE HUNDRED FIVE OR THREE HUNDRED SIX OF THE AGRICULTURE AND  
34 MARKETS LAW ON THE CURRENT ASSESSMENT ROLL. SUCH LAND NEED NOT BE  
35 LOCATED IN THE SAME ASSESSING UNIT AS THE ELIGIBLE FARMER'S PRIMARY  
36 RESIDENCE. FOR PURPOSES OF THIS SECTION, A PERSON OWNS A SUBSTANTIAL  
37 INTEREST IN SUCH LAND IF HE OR SHE, OR HIS OR HER SPOUSE:

38 (I) INDIVIDUALLY OWNS, OR OWNS JOINTLY WITH HIS OR HER SPOUSE, AT  
39 LEAST A TWENTY-FIVE PERCENT INTEREST IN SUCH LAND;

40 (II) IS A PARTNER, WITH AT LEAST A TWENTY-FIVE PERCENT INTEREST, IN A  
41 PARTNERSHIP WHICH OWNS SUCH LAND; OR

42 (III) OWNS AT LEAST TWENTY-FIVE PERCENT OF THE STOCK OF A CORPORATION  
43 WHICH OWNS SUCH LAND.

44 5. APPLICATION PROCEDURE. (A) GENERALLY. AN ELIGIBLE FARMER MUST FILE  
45 AN APPLICATION FOR A CO-STAR ASSESSMENT WITH THE ASSESSOR EACH YEAR ON  
46 OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE. EACH SUCH APPLICATION  
47 SHALL BE MADE ONLY ON A FORM PRESCRIBED OR APPROVED BY THE STATE BOARD;  
48 PROVIDED, THAT EFFECTIVE WITH THE TWO THOUSAND ELEVEN ASSESSMENT ROLL,  
49 THE APPLICATION FORM FOR THE AGRICULTURAL ASSESSMENT SHALL BE DESIGNED  
50 SO THAT IT MAY ALSO SERVE AS AN APPLICATION FOR A CO-STAR ASSESSMENT  
51 PURSUANT TO THIS SECTION, WHERE APPROPRIATE.

52 (B) APPROVAL OR DENIAL OF APPLICATION. IF THE ASSESSOR IS SATISFIED  
53 THAT A PARCEL IS ENTITLED TO A CO-STAR ASSESSMENT PURSUANT TO THIS  
54 SECTION, HE OR SHE SHALL APPROVE THE APPLICATION. IF THE ASSESSOR DETER-  
55 MINES THAT A PARCEL IS NOT ENTITLED TO A CO-STAR ASSESSMENT, HE OR SHE  
56 SHALL, NOT LATER THAN TEN DAYS PRIOR TO THE DATE FOR HEARING COMPLAINTS

1 IN RELATION TO ASSESSMENTS, MAIL TO THE APPLICANT A NOTICE OF DENIAL OF  
2 THAT APPLICATION FOR THE CO-STAR ASSESSMENT FOR THAT YEAR; EXCEPT IN A  
3 CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS, SUCH NOTICE  
4 SHALL BE MAILED NOT LATER THAN THIRTY DAYS PRIOR TO THE FINAL DATE FOR  
5 FILING AN ASSESSMENT APPEAL. THE NOTICE OF DENIAL SHALL SPECIFY EACH  
6 REASON FOR SUCH DENIAL AND SHALL BE SENT ON A FORM PRESCRIBED BY THE  
7 STATE BOARD. FAILURE TO MAIL ANY SUCH NOTICE OF DENIAL OR THE FAILURE  
8 OF ANY PERSON TO RECEIVE SUCH NOTICE SHALL NOT PREVENT THE LEVY,  
9 COLLECTION AND ENFORCEMENT OF THE TAXES ON PROPERTY OWNED BY SUCH  
10 PERSON.

11 (C) CONFIDENTIALITY. ANY INFORMATION OR DOCUMENTATION SUBMITTED WITH  
12 THE APPLICATION TO VERIFY THAT THE APPLICANT HAS CLAIMED THE AGRICUL-  
13 TURAL PROPERTY TAX CREDIT AUTHORIZED BY SUBSECTION (N) OF SECTION SIX  
14 HUNDRED SIX OF THE TAX LAW, COMMONLY KNOWN AS THE FARMERS' SCHOOL TAX  
15 CREDIT, SHALL BE DEEMED CONFIDENTIAL, AND THE ASSESSOR, ANY MUNICIPAL  
16 OFFICER OR MUNICIPAL EMPLOYEES ARE PROHIBITED FROM DISCLOSING ANY SUCH  
17 INFORMATION, EXCEPT FOR ANY DISCLOSURE NECESSARY IN THE PERFORMANCE OF  
18 THEIR OFFICIAL DUTIES. ANY UNAUTHORIZED DISCLOSURE OF SUCH INFORMATION  
19 SHALL BE DEEMED A VIOLATION OF SECTION EIGHT HUNDRED FIVE-A OF THE  
20 GENERAL MUNICIPAL LAW.

21 6. ENTRY ON ASSESSMENT ROLL; EFFECT. EACH PARCEL WHICH IS ELIGIBLE FOR  
22 A CO-STAR ASSESSMENT SHALL BE IDENTIFIED AS SUCH BY THE ASSESSOR ON THE  
23 ASSESSMENT ROLL, PROVIDED, HOWEVER, THAT A CO-STAR ASSESSMENT SHALL NOT  
24 AFFECT THE TOTAL OR TAXABLE ASSESSED VALUE OF ANY PARCEL FOR ANY  
25 PURPOSE, AND SHALL NOT BE CONSIDERED WHEN DETERMINING THE TAX RATE OF  
26 ANY COUNTY OR FOR ANY PURPOSE OTHER THAN DETERMINING THE REBATE TO WHICH  
27 THE OWNER-APPLICANT OR OWNER-APPLICANTS ARE ENTITLED UNDER SECTION ONE  
28 HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW.

29 7. PAYMENT OF CO-STAR REBATES. THE COMMISSIONER OF TAXATION AND  
30 FINANCE SHALL PAY CO-STAR REBATES IN THE MANNER PROVIDED BY SECTION ONE  
31 HUNDRED SEVENTY-SEVEN-A OF THE TAX LAW.

32 8. FAILURE TO PAY COUNTY TAXES. IF THE COUNTY TAXES ON AN ELIGIBLE  
33 PARCEL ARE NOT PAID IN FULL DURING THE APPLICABLE COUNTY FISCAL YEAR,  
34 THE OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE SUBJECT TO THE CONSE-  
35 QUENCES SPECIFIED IN SUBDIVISION SIX OF SECTION ONE HUNDRED SEVENTY-SEV-  
36 EN-A OF THE TAX LAW, IN ADDITION TO SUCH OTHER CONSEQUENCES AS MAY BE  
37 PROVIDED BY LAW.

38 9. EXCEPTIONS. (A) COOPERATIVE APARTMENT UNITS AND MOBILE HOMES. WHEN  
39 A STAR EXEMPTION IS GRANTED PURSUANT TO PARAGRAPH (K) OF SUBDIVISION TWO  
40 OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE IN RELATION TO A COOP-  
41 ERATIVE APARTMENT UNIT, OR PURSUANT TO PARAGRAPH (L) OF SUCH SUBDIVISION  
42 IN RELATION TO A MOBILE HOME WHICH IS SEPARATELY OWNED FROM BUT ASSESSED  
43 WITH THE LAND ON WHICH IT IS LOCATED, AND SUCH COOPERATIVE APARTMENT  
44 UNIT OR MOBILE HOME IS ALSO ELIGIBLE FOR A CO-STAR ASSESSMENT PURSUANT  
45 TO THIS SECTION, THE CO-STAR REBATE SHALL BE PAID DIRECTLY TO THE QUALI-  
46 FIED OWNER-APPLICANT OR OWNER-APPLICANTS NOTWITHSTANDING THE FACT THAT  
47 THE STAR EXEMPTION APPLIES TO THE PARCEL ITSELF. THE ASSESSOR SHALL  
48 PREPARE A LIST OR DATA FILE IDENTIFYING SUCH OWNER-APPLICANT OR  
49 OWNER-APPLICANTS, THEIR MAILING ADDRESSES, AND THE TAXABLE ASSESSED  
50 VALUE FOR COUNTY PURPOSES ATTRIBUTABLE TO THEIR RESPECTIVE COOPERATIVE  
51 APARTMENT UNITS OR MOBILE HOMES, AND SHALL SUBMIT THE SAME TO THE STATE  
52 BOARD WITHIN THIRTY DAYS AFTER THE COMPLETION OF THE FINAL ASSESSMENT  
53 ROLL. SUCH LIST OR DATA FILE SHALL BE PREPARED IN SUCH FORM AND MANNER  
54 AS MAY BE PRESCRIBED BY THE STATE BOARD OF REAL PROPERTY SERVICES IN  
55 CONSULTATION WITH THE DEPARTMENT OF TAXATION AND FINANCE.

(B) COUNTIES IN CERTAIN CITIES. IN THE CASE OF A COUNTY LOCATED WHOLLY WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE CO-STAR ASSESSMENT ASSOCIATED WITH EACH ELIGIBLE PARCEL SHALL BE EQUAL TO FIFTY PERCENT OF THE EXEMPT AMOUNT DETERMINED FOR PURPOSES OF THE BASIC STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE FOR SUCH CITY AFTER THE ADJUSTMENT REQUIRED BY PARAGRAPH (J) OF SUBDIVISION TWO OF SUCH SECTION.

10. CORRECTION OF AN INCORRECT ENTRY. AN INCORRECT ENTRY ON AN ASSESSMENT ROLL OF A CO-STAR ASSESSMENT MAY BE CORRECTED IN THE MANNER PROVIDED BY LAW FOR THE CORRECTION OF AN INCORRECT ENTRY OF THE STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE. A DENIAL OF A CO-STAR ASSESSMENT SHALL BE SUBJECT TO ADMINISTRATIVE AND JUDICIAL REVIEW IN THE MANNER PROVIDED BY LAW FOR THE REVIEW OF ASSESSMENTS.

11. INCONSISTENT LAWS SUPERSEDED. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL ASSESSING UNITS, EXCLUDING VILLAGE ASSESSING UNITS AND CITIES WITHIN A COUNTY ASSESSING UNIT, AND TO ALL COUNTIES, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

S 2. The tax law is amended by adding a new section 177-a to read as follows:

S 177-A. CO-STAR TAX REBATES. 1. PAYMENT OF REBATES. THE COMMISSIONER SHALL PAY CO-STAR TAX REBATES, AS PROVIDED IN SECTION FOUR HUNDRED TWENTY-FIVE-B AND SECTION FOUR HUNDRED TWENTY-FIVE-C OF THE REAL PROPERTY TAX LAW, TO AUTHORIZED PAYEES AS DEFINED IN THIS SECTION. THE AMOUNT OF EACH SUCH REBATE SHALL EQUAL THE CO-STAR ASSESSMENT ASSOCIATED WITH THE PARCEL IN QUESTION MULTIPLIED BY THE APPLICABLE COUNTY TAX RATE. SUCH PAYMENTS SHALL BE MADE AS PROMPTLY AS POSSIBLE FOLLOWING RECEIPT OF THE PAYEE IDENTIFICATION AND OTHER INFORMATION SPECIFIED IN THIS SECTION, SUBJECT TO APPROPRIATION BY THE STATE LEGISLATURE. THE COMMISSIONER AND THE EXECUTIVE DIRECTOR OF THE STATE OFFICE OF REAL PROPERTY SERVICES SHALL JOINTLY DESIGN, DEVELOP AND IMPLEMENT A PROCESS TO REVIEW THE QUALITY AND INTEGRITY OF THE CO-STAR INFORMATION IN THEIR POSSESSION. THE COMMISSIONER AND SUCH EXECUTIVE DIRECTOR MAY ENTER INTO A COOPERATIVE AGREEMENT TO ESTABLISH THE REVIEW PROCESS.

2. AUTHORIZED PAYEES; MAILING ADDRESSES. (A) FOR EACH ELIGIBLE PROPERTY, THE CO-STAR REBATE SHALL BE PAID TO THE QUALIFIED OWNER-APPLICANT OR OWNER-APPLICANTS AS DEFINED HEREIN, OR HIS, HER OR THEIR PAYMENT DESIGNEE OR DESIGNEES, IF ANY. IN THE CASE OF CO-STAR ASSESSMENTS GRANTED PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE-B OF THE REAL PROPERTY TAX LAW, THE QUALIFIED OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE THE SENIOR CITIZEN OR CITIZENS WHO APPLIED FOR, AND WERE FOUND TO SATISFY THE REQUIREMENTS OF, THE ENHANCED STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW. IN THE CASE OF CO-STAR ASSESSMENTS GRANTED PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE-C OF THE REAL PROPERTY TAX LAW, THE QUALIFIED OWNER-APPLICANT OR OWNER-APPLICANTS SHALL BE THE ELIGIBLE FARMER OR FARMERS WHO APPLIED FOR, AND WERE FOUND TO SATISFY THE REQUIREMENTS OF, THE CO-STAR ASSESSMENT AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE-C OF THE REAL PROPERTY TAX LAW.

(B) THE CO-STAR REBATE SHALL BE MAILED TO THE MAILING ADDRESS PROVIDED EITHER ON THE APPLICATION FORM FOR THE ENHANCED STAR EXEMPTION SUBMITTED PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW, OR ON THE CO-STAR APPLICATION FORM SUBMITTED PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE-C OF THE REAL PROPERTY TAX LAW, AS THE CASE MAY BE, OR AS OTHERWISE RELIABLY OBTAINED BY THE DEPARTMENT.

1 3. REPORTING OF DATA TO DEPARTMENT. (A) WHEN DEVELOPING OR MAINTAINING  
2 ITS DATA BASE FOR PURPOSES OF ADMINISTERING ITS RESPONSIBILITIES UNDER  
3 THIS SECTION, THE DEPARTMENT SHALL UTILIZE TO THE MAXIMUM EXTENT POSSI-  
4 BLE DATA EXTRACTED FROM THE ASSESSMENT ROLL DATA FILES SUBMITTED TO THE  
5 STATE BOARD OF REAL PROPERTY SERVICES PURSUANT TO ARTICLE FIFTEEN-C OF  
6 THE REAL PROPERTY TAX LAW. ON OR BEFORE NOVEMBER FIRST OF EACH YEAR,  
7 SUCH STATE BOARD SHALL ASCERTAIN FROM SUCH DATA FILES, AND SHALL FORWARD  
8 TO THE DEPARTMENT, THE IDENTIFICATION NUMBERS OF THE PARCELS DESIGNATED  
9 THEREON AS ELIGIBLE FOR CO-STAR ASSESSMENTS, THE NAMES OF THE OWNERS OF  
10 EACH SUCH PARCEL AS APPEARING THEREON, THE TAXABLE ASSESSED VALUE FOR  
11 COUNTY PURPOSES OF EACH SUCH PARCEL AS APPEARING THEREON, AND THE  
12 ASSESSING UNIT IN WHICH EACH SUCH PARCEL IS LOCATED. CONCURRENTLY THERE-  
13 WITH, SUCH STATE BOARD SHALL ALSO PROVIDE TO THE DEPARTMENT THE MAXIMUM  
14 ALLOWABLE CO-STAR ASSESSMENTS APPLICABLE TO EACH ASSESSING UNIT.

15 (B) FOR PURPOSES OF ADMINISTERING ITS RESPONSIBILITIES UNDER THIS  
16 SECTION IN RELATION TO COOPERATIVE APARTMENT UNITS AND MOBILE HOMES, THE  
17 DEPARTMENT SHALL ALSO UTILIZE DATA EXTRACTED FROM THE LISTS AND DATA  
18 FILES SUBMITTED TO SUCH STATE BOARD BY ASSESSORS PURSUANT TO PARAGRAPH  
19 (A) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED TWENTY-FIVE-B OF THE REAL  
20 PROPERTY TAX LAW AND PARAGRAPH (A) OF SUBDIVISION NINE OF SECTION FOUR  
21 HUNDRED TWENTY-FIVE-C OF THE REAL PROPERTY TAX LAW. ON OR BEFORE NOVEM-  
22 BER FIRST OF EACH YEAR, SUCH STATE BOARD SHALL ASCERTAIN FROM SUCH LISTS  
23 AND DATA FILES, AND SHALL FORWARD TO THE DEPARTMENT, THE NAMES AND  
24 ADDRESSES OF THE OWNER-APPLICANTS AS SHOWN THEREON, THEIR MAILING  
25 ADDRESSES AS SHOWN THEREON, THE TAXABLE ASSESSED VALUE FOR COUNTY  
26 PURPOSES ATTRIBUTABLE TO THEIR RESPECTIVE COOPERATIVE APARTMENT UNITS OR  
27 MOBILE HOMES, AND THE ASSESSING UNIT IN WHICH EACH SUCH COOPERATIVE  
28 APARTMENT UNIT OR MOBILE HOME IS LOCATED.

29 (C) THE COUNTY TREASURER OF EACH COUNTY SHALL CERTIFY TO THE COMMIS-  
30 SIONER, NO LATER THAN THE THIRTY-FIRST DAY OF JANUARY OF EACH COUNTY  
31 FISCAL YEAR, THE COUNTY TAX RATES APPLICABLE TO EACH CITY AND TOWN WITH-  
32 IN THE COUNTY FOR THAT FISCAL YEAR. IN THE CASE OF A COUNTY LOCATED  
33 WHOLLY WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABIT-  
34 ANTS, THE COMMISSIONER OF FINANCE OF SUCH CITY SHALL MAKE SUCH CERTIF-  
35 ICATION; PROVIDED THAT THE TAX RATE TO BE PROVIDED THEREUNDER, AND USED  
36 TO COMPUTE CO-STAR REBATES PURSUANT TO THIS SECTION, SHALL BE A COMPOS-  
37 ITE OF THE TAX RATES FOR BOTH CITY AND SCHOOL DISTRICT PURPOSES.

38 (D) IN ADDITION TO RECEIVING DATA PURSUANT TO PARAGRAPHS (A), (B) AND  
39 (C) OF THIS SUBDIVISION, THE DEPARTMENT MAY ENTER INTO AGREEMENTS WITH  
40 SUCH STATE BOARD, WITH LOCAL ASSESSORS, WITH COUNTY TREASURERS, OR WITH  
41 SOME OR ALL OF SUCH PARTIES, FOR THE REPORTING TO THE DEPARTMENT OF SUCH  
42 OTHER DATA AS MAY BE REQUIRED FOR ITS ADMINISTRATION OF THE CO-STAR TAX  
43 REBATE PROGRAM. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO  
44 PRECLUDE THE DEPARTMENT FROM COLLECTING DIRECTLY FROM PUTATIVE PAYEES  
45 SUCH DATA AS IT SHALL DEEM APPROPRIATE.

46 (E) INFORMATION PROVIDED TO OR PREPARED BY THE DEPARTMENT PURSUANT TO  
47 THIS SECTION SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN ADMINISTRATION  
48 OF THE CO-STAR PROGRAM, AND SUCH INFORMATION SHALL NOT BE REDISCLOSED  
49 OTHER THAN FOR THE PURPOSE OF ADMINISTERING SUCH PROGRAM NOR SHALL THE  
50 PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW APPLY TO ANY SUCH  
51 INFORMATION.

52 4. CONSTRUCTION OR INTERPRETATION OF CERTAIN PROVISIONS OR TERMS. WHEN  
53 THE PROPER PAYMENT OF A TAX REBATE UNDER THIS SECTION DEPENDS UPON  
54 CONSTRUCTION OF THE MEANING OF THE PROVISIONS OF SECTION FOUR HUNDRED  
55 TWENTY-FIVE-B OR FOUR HUNDRED TWENTY-FIVE-C OF THE REAL PROPERTY TAX LAW  
56 (AND ANY RELATED PROVISIONS OF SUCH LAW) OR INTERPRETATION OF THE TERMS

1 CONTAINED THEREIN, IT SHALL BE THE RESPONSIBILITY OF THE STATE BOARD OF  
2 REAL PROPERTY SERVICES TO PROVIDE TO THE DEPARTMENT THE CONSTRUCTION OR  
3 INTERPRETATION OF ANY SUCH PROVISIONS OR TERMS.

4 5. LIMITATIONS. PAYMENT OF A REBATE UPON THE INFORMATION PROVIDED TO  
5 IT, OR DENIAL OF OR FAILURE TO PAY A REBATE BASED ON SUCH INFORMATION,  
6 SHALL RELIEVE THE COMMISSIONER AND THE DEPARTMENT FROM ALL LIABILITY TO  
7 ANY OWNER OF THE PROPERTY, OR THE ESTATE, TRUST, ASSIGNS, SUCCESSORS,  
8 HEIRS OR REPRESENTATIVES OF ANY SUCH OWNER, OR ANY OTHER PERSON, WITH  
9 RESPECT TO SUCH PAYMENT, AND SUCH PERSONS SHALL HAVE NO RIGHT TO  
10 COMMENCE A COURT ACTION OR PROCEEDING OR TO ANY OTHER LEGAL RECOURSE  
11 AGAINST THE STATE, THE COMMISSIONER, THE DEPARTMENT, OR ANY OFFICER OR  
12 EMPLOYEE OF STATE OR LOCAL GOVERNMENT INVOLVED IN THE ADMINISTRATION OF  
13 THIS PROGRAM, TO RECOVER SUCH PAYMENT.

14 6. FAILURE TO PAY COUNTY TAXES. (A) AFTER THE CONCLUSION OF EACH COUN-  
15 TY FISCAL YEAR, THE COUNTY TREASURER OF EACH COUNTY SHALL SUBMIT TO THE  
16 COMMISSIONER A LIST IDENTIFYING ALL PARCELS WITH RESPECT TO WHICH THE  
17 COUNTY TAXES FOR THAT FISCAL YEAR REMAINED UNPAID AS OF THE END OF THAT  
18 FISCAL YEAR. IN THE CASE OF A COUNTY LOCATED WHOLLY WITHIN A CITY WITH A  
19 POPULATION OF ONE MILLION OR MORE INHABITANTS, SUCH LIST SHALL BE  
20 SUBMITTED BY THE COMMISSIONER OF FINANCE OF SUCH CITY AND SHALL IDENTIFY  
21 ALL PARCELS WITH RESPECT TO WHICH THE CITY TAXES FOR THAT FISCAL YEAR  
22 REMAINED UNPAID AS OF THE END OF THAT FISCAL YEAR. SUCH LIST SHALL BE  
23 SUBMITTED TO THE COMMISSIONER WHEN SUBMITTING THE REPORT DESCRIBED IN  
24 PARAGRAPH (C) OF SUBDIVISION THREE OF THIS SECTION.

25 (B) UPON RECEIVING SUCH A LIST, THE COMMISSIONER SHALL WITHHOLD ANY  
26 FUTURE CO-STAR REBATE PAYMENTS TO THE OWNER-APPLICANTS IN RELATION TO  
27 ANY PARCELS ON THE LIST UNTIL RECEIVING CONFIRMATION THAT ALL OUTSTAND-  
28 ING COUNTY TAXES ON THE PARCEL IN QUESTION HAVE BEEN PAID IN FULL. IT  
29 SHALL BE THE RESPONSIBILITY OF THE OWNER-APPLICANT TO OBTAIN SUCH  
30 CONFIRMATION IN WRITING FROM THE COUNTY TREASURER, AND TO PROVIDE THE  
31 SAME TO THE DEPARTMENT IN SUCH MANNER AS THE COMMISSIONER MAY PRESCRIBE.  
32 AFTER RECEIVING SUCH CONFIRMATION, ANY WITHHELD REBATES FOR WHICH THE  
33 OWNER-APPLICANT IS ELIGIBLE AND HAS TIMELY APPLIED SHALL BE RELEASED AND  
34 FUTURE REBATE PAYMENTS MAY BE MADE, SUBJECT TO CONTINUED ELIGIBILITY AND  
35 CONTINUOUS PAYMENT OF FUTURE COUNTY TAXES. NO INTEREST SHALL BE PAID OR  
36 PAYABLE ON ANY WITHHELD REBATES THAT ARE SO RELEASED. THE COMMISSIONER  
37 MAY SCHEDULE THE PROCESSING OF REQUESTS FOR THE RELEASE OF WITHHELD  
38 REBATES SO AS TO ALLOW PAYMENTS TO BE COLLECTIVELY AUTHORIZED FOR THIS  
39 PURPOSE NO MORE FREQUENTLY THAN TWICE PER CALENDAR YEAR.

40 (C) IF SUCH CONFIRMATION IS NOT RECEIVED WITHIN A TIME PERIOD TO BE  
41 DETERMINED BY THE COMMISSIONER, THE COMMISSIONER MAY REVOKE THE CO-STAR  
42 REBATE FOR THE COUNTY FISCAL YEAR IDENTIFIED IN PARAGRAPH (A) OF THIS  
43 SUBDIVISION AND RECAPTURE THE APPLICABLE AMOUNT IN THE MANNER PRESCRIBED  
44 BY SUBDIVISION SEVEN OF THIS SECTION.

45 7. ERRONEOUS REBATES; REPLACEMENT CHECKS. THE COMMISSIONER MAY, IN HIS  
46 OR HER DISCRETION, SEEK TO RECOVER ANY ERRONEOUS REBATE BY NOTIFYING THE  
47 PAYEE OF THE AMOUNT THEREOF. IF SUCH ERRONEOUS REBATE IS NOT RETURNED  
48 WITHIN THIRTY DAYS, THE COMMISSIONER IS AUTHORIZED TO TREAT THE ERRONE-  
49 OUS REBATE AS AN ERRONEOUS REFUND OF INCOME TAX PURSUANT TO THE  
50 PROVISIONS OF PARAGRAPH FIVE OF SUBSECTION (C) OF SECTION SIX HUNDRED  
51 EIGHTY-THREE OF THIS CHAPTER AND SUCH AMOUNTS, WHEN COLLECTED, SHALL BE  
52 DEPOSITED AS PROVIDED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SEVEN-  
53 TY-ONE-A OF THIS ARTICLE, AS IF SUCH AMOUNTS WERE TAXES COLLECTED UNDER  
54 AN ARTICLE OF THIS CHAPTER REFERRED TO IN SUCH SUBDIVISION. WHERE THE  
55 COMMISSIONER FINDS THAT AN ORIGINAL REBATE CHECK HAS BEEN MISDIRECTED

FOR REASONS BEYOND THE CONTROL OF THE AUTHORIZED PAYEE, HE OR SHE MAY  
ISSUE A NEW REBATE CHECK TO THE AUTHORIZED PAYEE.

8. REGULATIONS. THE COMMISSIONER SHALL BE AUTHORIZED TO MAKE SUCH  
RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY FOR THE PERFORMANCE OF  
HIS OR HER DUTIES UNDER THIS SECTION, INCLUDING BUT NOT LIMITED TO RULES  
AND REGULATIONS RELATING TO STANDARDS AND PROCEDURES FOR FURNISHING DATA  
TO THE DEPARTMENT.

S 3. Processing of Co-STAR assessments for senior citizens on the  
assessment roll. (a) Notwithstanding the provisions of section 425-b of  
the real property tax law, as added by section one of this act, parcels  
which are eligible for Co-STAR assessments pursuant to such section  
shall not be designated as such on the 2010 assessment roll. In lieu  
thereof, upon receipt of the 2010 assessment roll data file submitted to  
it pursuant to section 1590 of the real property tax law, the state  
board of real property services shall identify the parcels thereon which  
are receiving the enhanced STAR exemption pursuant to section 425 of the  
real property tax law, shall ascertain the taxable assessed value for  
county purposes of each such parcel, and shall forward such information  
to the department of taxation and finance, together with the maximum  
allowable Co-STAR assessments for each assessing unit.

(b) Notwithstanding the provisions of section 177-a of the tax law, as  
added by section two of this act, for purposes of issuing rebates of  
county taxes for the county fiscal year beginning in 2011, the depart-  
ment of taxation and finance may presume that the qualified owner-appli-  
cant or owner-applicants were the property owner or owners as of the  
applicable taxable status date, as shown on the assessment roll data  
file filed with the state board of real property services pursuant to  
article 15-C of the real property tax law, and may further presume that  
the appropriate mailing addresses are the owners' addresses shown there-  
on.

(c) When property which is eligible for a Co-STAR assessment pursuant  
to this section constitutes a cooperative apartment unit or a mobile  
home which is subject to the provisions of paragraph (a) of subdivision  
6 of section 425-b of the real property tax law, as added by section one  
of this act, the assessor shall not be required to file the list or data  
file required by such paragraph until the one hundred twentieth day  
after the effective date of this act, notwithstanding any provision in  
such subdivision to the contrary.

S 3-a. Processing of Co-STAR assessments for farmers assessment roll.  
(a) Application period for 2011. Notwithstanding any provision of law  
to the contrary, eligible farmers may submit applications for Co-STAR  
assessments pursuant to section 425-c of the real property tax law, as  
added by section one of this act, on the 2011 assessment roll until the  
ninetieth day after the effective date of this act. Each assessor is  
hereby authorized and directed to review and grant such applications as  
appropriate no later than the one hundred twentieth day after the effec-  
tive date of this act. Provided, however, that in lieu of making entries  
directly on the 2011 assessment roll, the assessor shall prepare a sepa-  
rate list or data file identifying the eligible parcels in such form and  
manner as may be prescribed by the state board of real property services  
in consultation with the department of taxation and finance. No later  
than the one hundred twentieth day after the effective date of this act,  
the assessor shall forward such list or data file to the state board,  
which shall forward the same to the department of taxation and finance,  
together with the maximum allowable Co-STAR assessment for each assess-  
ing unit.



(b) Notice and review of denial for 2011. If an assessor should determine that a Co-STAR application submitted pursuant to this section should be denied, he or she shall so notify the applicant by certified mail, return receipt requested, no later than the one hundred twentieth day after the effective date of this act. No later than 10 days after the mailing of such notice, the applicant may file a written complaint with the assessor. The provisions of section 553 of the real property tax law shall apply to the extent practicable to the review of such a complaint.

(c) For 2012 notwithstanding the provisions of section 177-a of the tax law, as added by section two of this act, for purposes of issuing rebates of county taxes for the county fiscal year beginning in 2012, the department of taxation and finance may presume that the qualified owner-applicant or owner-applicants were the property owner or owners as of the applicable taxable status date, as shown on the assessment roll data file filed with the state board of real property services pursuant to article 15-C of the real property tax law, or on the list or data file forwarded to the state board pursuant to subdivision (a) of this section, and may further presume that the appropriate mailing addresses are the owners' addresses shown thereon.

(d) When property which is eligible for a Co-STAR assessment pursuant to this section constitutes a cooperative apartment unit or a mobile home which is subject to the provisions of paragraph (a) of subdivision 9 of section 425-c of the real property tax law, as added by section one of this act, the assessor shall not be required to file the list or data file required by such paragraph until the one hundred twentieth day after the effective date of this act, notwithstanding any provision in such subdivision to the contrary.

S 4. Subsection (e) of section 1310 of the tax law, as added by chapter 481 of the laws of 1997, is relettered subsection (g) and a new subsection (h) is added to read as follows:

(H) CITY CO-STAR CREDIT. (1) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND ELEVEN, A CITY CO-STAR CREDIT SHALL BE ALLOWED FOR TAXPAYERS WHO HAVE ATTAINED THE AGE OF SIXTY-FIVE ON OR BEFORE THE CLOSE OF THE TAXABLE YEAR. THE CREDIT SHALL BE ALLOWED AGAINST THE TAXES AUTHORIZED BY THIS ARTICLE REDUCED BY THE CREDITS PERMITTED BY THIS ARTICLE. IF THE CREDIT EXCEEDS THE TAX AS SO REDUCED, THE TAXPAYER MAY RECEIVE, AND THE COMPTROLLER, SUBJECT TO A CERTIFICATE OF THE COMMISSIONER, SHALL PAY AS AN OVERPAYMENT, WITHOUT INTEREST, THE AMOUNT OF SUCH EXCESS. FOR PURPOSES OF THIS SUBSECTION, NO CREDIT SHALL BE GRANTED TO AN INDIVIDUAL WITH RESPECT TO WHOM A DEDUCTION UNDER SUBSECTION (C) OF SECTION ONE HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE CODE IS ALLOWABLE TO ANOTHER TAXPAYER FOR THE TAXABLE YEAR.

(2) THE CREDIT SHALL BE DETERMINED UNDER THIS PARAGRAPH.

(A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES. IN THE CASE OF A HUSBAND AND WIFE WHO MAKE A SINGLE RETURN JOINTLY AND OF A SURVIVING SPOUSE:

FOR TAXABLE YEARS TWO THOUSAND ELEVEN AND AFTER THE CREDIT SHALL BE ONE HUNDRED TWENTY DOLLARS

(B) ALL OTHERS. IN THE CASE OF AN UNMARRIED INDIVIDUAL, A HEAD OF A HOUSEHOLD OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN:

FOR TAXABLE YEARS TWO THOUSAND ELEVEN AND AFTER THE CREDIT SHALL BE SIXTY DOLLARS

S 5. Subdivision (c) of section 11-1706 of the administrative code of the city of New York, as added by chapter 481 of the laws of 1997, is

1 relettered subdivision (f) and a new subdivision (g) is added to read as  
2 follows:

3 (G) CITY CO-STAR CREDIT. (1) FOR TAXABLE YEARS BEGINNING AFTER TWO  
4 THOUSAND ELEVEN, A CITY CO-STAR CREDIT SHALL BE ALLOWED FOR TAXPAYERS  
5 WHO HAVE ATTAINED THE AGE OF SIXTY-FIVE ON OR BEFORE THE CLOSE OF THE  
6 TAXABLE YEAR. THE CREDIT SHALL BE ALLOWED AGAINST THE TAXES IMPOSED BY  
7 THIS CHAPTER REDUCED BY THE CREDITS PERMITTED BY THIS CHAPTER. IF THE  
8 CREDIT EXCEEDS THE TAX AS SO REDUCED, THE TAXPAYER MAY RECEIVE, AND THE  
9 STATE COMPTROLLER, SUBJECT TO A CERTIFICATE OF THE STATE COMMISSIONER OF  
10 TAXATION AND FINANCE, SHALL PAY AS AN OVERPAYMENT, WITHOUT INTEREST, THE  
11 AMOUNT OF SUCH EXCESS. FOR PURPOSES OF THIS SUBDIVISION, NO CREDIT SHALL  
12 BE GRANTED TO AN INDIVIDUAL WITH RESPECT TO WHOM A DEDUCTION UNDER  
13 SUBSECTION (C) OF SECTION ONE HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE  
14 CODE IS ALLOWABLE TO ANOTHER TAXPAYER FOR THE TAXABLE YEAR.

15 (2) THE CREDIT SHALL BE DETERMINED UNDER THIS PARAGRAPH.

16 (A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES. IN  
17 THE CASE OF A HUSBAND AND WIFE WHO MAKE A SINGLE RETURN JOINTLY AND OF A  
18 SURVIVING SPOUSE:

19 FOR TAXABLE YEARS TWO THOUSAND ELEVEN AND AFTER THE CREDIT SHALL BE  
20 ONE HUNDRED TWENTY DOLLARS

21 (B) ALL OTHERS. IN THE CASE OF AN UNMARRIED INDIVIDUAL, A HEAD OF A  
22 HOUSEHOLD OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN:

23 FOR TAXABLE YEARS TWO THOUSAND ELEVEN AND AFTER THE CREDIT SHALL BE  
24 SIXTY DOLLARS

25 S 6. The state finance law is amended by adding a new section 97-kkkk  
26 to read as follows:

27 S 97-KKKK. CO-STAR FUND. 1. THERE IS HEREBY ESTABLISHED IN THE SOLE  
28 CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE  
29 KNOWN AS THE CO-STAR FUND.

30 2. SUCH FUND SHALL CONSIST OF ALL MONIES CREDITED OR TRANSFERRED THER-  
31 ETO FROM THE GENERAL FUND OR FROM ANY OTHER FUND OR SOURCES PURSUANT TO  
32 LAW.

33 3. THE MONIES OF THE FUND SHALL BE AVAILABLE FOR PAYMENT OF CO-STAR  
34 REBATES AUTHORIZED BY SECTION ONE HUNDRED SEVENTY-SEVEN-A OF THE TAX  
35 LAW, AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SHALL BE PAID OUT  
36 ON CHECKS ISSUED AND SIGNED SOLELY BY THE COMMISSIONER OF TAXATION AND  
37 FINANCE.

38 S 7. This act shall take effect immediately, provided, however:

39 (a) Section one of this act shall apply to assessment rolls filed in  
40 2012 and thereafter; and

41 (b) Section two of this act shall apply to county fiscal years begin-  
42 ning in 2013 and thereafter.