

3202

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the real property tax law, in relation to granting an exemption to members of the armed forces serving in hostile areas

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 458-c to read as follows:

3 S 458-C. MILITARY SERVICE IN HOSTILE AREAS. 1. FOR THE PURPOSES OF
4 THIS SECTION:

5 (A) "HAZARDOUS SERVICE" SHALL MEAN DUTY SUBJECT TO HOSTILE FIRE OR
6 IMMINENT DANGER AS DEFINED IN SECTION 310(A) OF TITLE 37 OF THE UNITED
7 STATES CODE, REGARDLESS OF WHETHER OR NOT WAR HAS BEEN DECLARED BY
8 CONGRESS.

9 (B) "MEMBER OF THE MILITARY" SHALL MEAN A PERSON WHO IS ON "ACTIVE
10 DUTY" OR "IN THE ARMED FORCES OF THE UNITED STATES" AS DEFINED IN
11 SECTION ONE OF THE MILITARY LAW.

12 2. REAL PROPERTY OWNED BY A MEMBER OF THE MILITARY ENGAGED IN HAZARD-
13 OUS SERVICE, OR BY A MEMBER OF THE MILITARY ENGAGED IN HAZARDOUS SERVICE
14 AND HIS OR HER SPOUSE, AND CONSTITUTING THE PRIMARY RESIDENCE OF SUCH
15 PERSONS SHALL BE EXEMPT FROM ALL TAXES IMPOSED BY A MUNICIPAL CORPO-
16 RATION, EXCEPT THOSE IMPOSED BY A SCHOOL DISTRICT AND OTHER SPECIAL
17 ASSESSMENTS AND SPECIAL AD VALOREM LEVIES, AS PROVIDED IN THIS SECTION.

18 3. THE EXEMPTION ESTABLISHED BY THIS SECTION SHALL ANNUALLY BE GRANTED
19 UPON THE SUBMISSION OF AN APPLICATION, ON A FORM PRESCRIBED BY THE
20 COMMISSIONER AND FURNISHED TO THE LOCAL ASSESSING UNIT, BY THE OWNER OR
21 OWNERS OF THE REAL PROPERTY TO THE LOCAL ASSESSING UNIT ON OR BEFORE THE
22 APPROPRIATE TAXABLE STATUS DATE. SUCH APPLICATION SHALL INCLUDE AN
23 AFFIRMATION THAT AN OWNER IS A MEMBER OF THE MILITARY ENGAGED IN HAZARD-
24 OUS SERVICE OR WAS A MEMBER OF THE MILITARY ENGAGED IN HAZARDOUS SERVICE
25 DURING THE YEAR IMMEDIATELY PRECEDING THE APPROPRIATE TAXABLE STATUS

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

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1 DATE. THE COMMISSIONER BOARD SHALL ESTABLISH RULES AND REGULATIONS FOR
2 THE GRANTING OF EXEMPTIONS ON THE BASIS OF APPLICATIONS SUBMITTED PURSU-
3 ANT TO THIS SUBDIVISION.

4 4. THE EXEMPTION AUTHORIZED BY THIS SECTION SHALL HAVE THE EFFECT
5 SPECIFIED IN SECTION THIRTEEN HUNDRED SEVEN OF THIS CHAPTER.

6 S 2. The real property tax law is amended by adding a new section 1307
7 to read as follows:

8 S 1307. EFFECT OF MILITARY SERVICE IN HOSTILE AREAS UPON MUNICIPAL
9 CORPORATION TAXES; STATE AID. 1. THE AMOUNT OF REAL PROPERTY TAXES TO
10 BE LEVIED FOR ANY TAXABLE YEAR SHALL BE DETERMINED WITHOUT REGARD TO THE
11 FACT THAT STATE AID WILL BE PAYABLE PURSUANT TO THIS SECTION. IN ADDI-
12 TION, THE TAX RATE OF ANY TAXABLE YEAR SHALL BE DETERMINED AS IF NO
13 PARCELS ARE EXEMPT FROM TAXATION PURSUANT TO SECTION FOUR HUNDRED
14 FIFTY-EIGHT-C OF THIS CHAPTER.

15 2. (A) THE TOTAL AMOUNT OF TAXES DUE TO ANY MUNICIPAL CORPORATION FOR
16 ANY PARCEL EXEMPT FROM TAXATION PURSUANT TO SECTION FOUR HUNDRED FIFTY-
17 EIGHT-C OF THIS CHAPTER SHALL BE A STATE CHARGE, WHICH SHALL BE PAYABLE
18 AS PROVIDED IN THIS SUBDIVISION.

19 (B) A MUNICIPAL CORPORATION SEEKING STATE AID PURSUANT TO THIS SECTION
20 SHALL SUBMIT AN APPLICATION THEREFOR TO THE COMMISSIONER. THE APPLICA-
21 TION SHALL INCLUDE SUCH INFORMATION AS THE COMMISSIONER SHALL REQUIRE.

22 (C) UPON APPROVING AN APPLICATION FOR STATE AID PURSUANT TO THIS
23 SECTION, THE COMMISSIONER SHALL COMPUTE AND CERTIFY TO THE COMPTROLLER
24 THE AMOUNTS PAYABLE TO THE MUNICIPAL CORPORATION. SUCH STATE AID SHALL
25 BE PAYABLE BY THE COMPTROLLER.

26 (D) THE COMMISSIONER MAY AUDIT AN APPLICATION FOR STATE AID PURSUANT
27 TO THIS SECTION WITHIN ONE YEAR AFTER AUTHORIZING PAYMENT THEREON. IF
28 THE COMMISSIONER SHOULD DISCOVER THAT A MUNICIPAL CORPORATION HAS
29 RECEIVED A GREATER OR LESSER AMOUNT OF SUCH AID THAN IT SHOULD HAVE
30 RECEIVED, THE COMMISSIONER SHALL SO NOTIFY THE MUNICIPAL CORPORATION,
31 AND CAUSE THE NEXT PAYMENT OF SUCH AID TO THE MUNICIPAL CORPORATION TO
32 BE ADJUSTED ACCORDINGLY.

33 S 3. This act shall take effect on the one hundred twentieth day after
34 it shall have become a law and shall apply to real property with a taxa-
35 ble status date on or before such date; provided, however, that effec-
36 tive immediately, the addition, amendment and/or repeal of any rule or
37 regulation necessary for the implementation of this act on its effective
38 date are authorized and directed to be made and completed on or before
39 such effective date.