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

3746

2011-2012 Regular Sessions

I N A S S E M B L Y

January 27, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to establishing a tax abatement for residential real property owned by a person who is sixty-five years old or older and who participates in a volunteer program

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. TAX ABATEMENT PROGRAM FOR THE PERFORMANCE OF VOLUNTEER SERVICES BY PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER. 1. FOR PURPOSES OF THIS SECTION, THE TERMS "GOVERNING BOARD" AND "MUNICIPAL CORPORATION" SHALL HAVE THE SAME MEANINGS AS SET FORTH IN SECTION TWO OF THE GENERAL MUNICIPAL LAW.

2. THE GOVERNING BODY OF ANY MUNICIPAL CORPORATION IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT, AFTER PUBLIC HEARING, A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING FOR THE ABATEMENT OF TAXES ON REAL PROPERTY IN WHICH THE OWNER OR ONE OF THE OWNERS IS SIXTY-FIVE YEARS OF AGE OR OLDER AND IS PERFORMING VOLUNTEER SERVICES IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

3. NO ABATEMENT SHALL BE GRANTED UNLESS:

(A) THE REAL PROPERTY IS THE LEGAL RESIDENCE OF AND IS OCCUPIED IN WHOLE OR IN PART BY THE OWNER OR OWNERS OF THE PROPERTY; AND

(B) THE INCOME OF THE OWNER OR THE COMBINED INCOME OF THE OWNERS OF THE PROPERTY FOR THE INCOME TAX YEAR IMMEDIATELY PRECEDING THE DATE OF MAKING APPLICATION FOR THE ABATEMENT DOES NOT EXCEED THE MEDIAN INCOME FOR THE COUNTY IN WHICH THE PROPERTY IS OWNED; PROVIDED, HOWEVER, THAT FOR MUNICIPAL CORPORATIONS WITH A POPULATION OF ONE MILLION OR MORE, THE INCOME OF THE OWNER OR THE COMBINED INCOME OF THE OWNERS OF THE REAL PROPERTY FOR THE TAX YEAR IMMEDIATELY PRECEDING THE DATE OF MAKING

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

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APPLICATION FOR THE ABATEMENT SHALL NOT EXCEED THE INCOME LIMITATIONS FOR EXEMPTION GRANTED TO PERSONS SIXTY-FIVE YEARS OF AGE OR OVER PURSUANT TO SECTION FOUR HUNDRED SIXTY-SEVEN OF THIS TITLE.

4. NOTHING IN THIS SECTION SHALL PRECLUDE INDIVIDUALS WITH HIGHER INCOMES FROM VOLUNTEERING IN ACTIVITIES AS DESCRIBED IN SUBDIVISION EIGHT OF THIS SECTION, BUT SUCH INDIVIDUALS SHALL NOT BE ELIGIBLE FOR THE TAX ABATEMENT PROGRAM UNDER THIS SECTION.

5. THE MUNICIPAL CORPORATION SHALL DEVELOP AN APPLICATION PROCESS FOR PERSONS WISHING TO PROVIDE VOLUNTEER SERVICES PURSUANT TO THIS SECTION, PROVIDED THAT A PREFERENCE SHALL BE GIVEN TO THOSE APPLICANTS WHO SPEND AT LEAST SEVEN AND ONE-HALF PERCENT OF THEIR INCOME FOR THE PAYMENT OF REAL PROPERTY TAXES.

6. THE MUNICIPAL CORPORATION SHALL APPOINT A PROGRAM COORDINATOR TO IMPLEMENT AND ADMINISTER THE TAX ABATEMENT PROGRAM UNDER THIS SECTION. THE PROGRAM COORDINATOR SHALL SEEK THE ASSISTANCE OF THE ADVISORY COMMITTEE ESTABLISHED UNDER SUBDIVISION SEVEN OF THIS SECTION IN PERFORMING HIS OR HER OFFICIAL DUTIES.

7. THE MUNICIPAL CORPORATION SHALL APPOINT AN ADVISORY COMMITTEE TO ADVISE THE PROGRAM COORDINATOR AND THE MUNICIPAL CORPORATION IN THE DEVELOPMENT, IMPLEMENTATION AND ADMINISTRATION OF THE TAX ABATEMENT PROGRAM UNDER THIS SECTION. THE ADVISORY COMMITTEE SHALL CONSIST OF AT LEAST FOUR MEMBERS. FIFTY PERCENT OF THE MEMBERS OF THE ADVISORY COMMITTEE SHALL BE REPRESENTATIVES OF GOVERNMENT ENTITIES AND FIFTY PERCENT OF THE MEMBERS OF THE ADVISORY COMMITTEE SHALL BE MEMBERS OF PRIVATE OR NOT-FOR-PROFIT ORGANIZATIONS OR CIVIC ASSOCIATIONS. THE ADVISORY COMMITTEE SHALL DISSOLVE ONE YEAR AFTER THE IMPLEMENTATION OF SUCH PROGRAM. THE MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE WITHOUT A SALARY, BUT EACH MEMBER SHALL BE ENTITLED TO REIMBURSEMENT FOR HIS OR HER ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES.

8. THE MUNICIPAL CORPORATION AFTER RECEIVING RECOMMENDATIONS FROM THE ADVISORY COMMITTEE ESTABLISHED UNDER SUBDIVISION SEVEN OF THIS SECTION SHALL ESTABLISH SUITABLE VOLUNTEER ACTIVITIES FOR THE PERSONS SELECTED TO PARTICIPATE IN THE TAX ABATEMENT PROGRAM UNDER THIS SECTION WHICH MAY INCLUDE:

(A) PARTICIPATION IN ANY OF THE PROGRAMS AND SERVICES ADMINISTERED BY A NOT-FOR-PROFIT, PRIVATE, OR CIVIC ENTITY OPERATING UNDER THE AUSPICES OF THE STATE OFFICE FOR THE AGING AND ITS DESIGNATED AREA AGENCIES ON AGING;

(B) PARTICIPATION IN COMMUNITY SPONSORED AFTER SCHOOL, WEEKEND AND SUMMER PROGRAMS THAT ARE NOT PROVIDED BY EMPLOYEES OF THE SCHOOL; AND

(C) ANY OTHER ACTIVITY THAT IS APPROVED BY THE MUNICIPAL CORPORATION AS A SUITABLE VOLUNTEER ACTIVITY PROVIDED THAT SUCH VOLUNTEER ACTIVITY SHALL NOT INCLUDE ANY DUTIES, SERVICES OR ACTIVITIES NORMALLY PERFORMED BY EMPLOYEES OF THE STATE, MUNICIPAL CORPORATIONS OR SCHOOL DISTRICTS.

9. THE MUNICIPAL CORPORATION, AFTER RECEIVING RECOMMENDATIONS FROM THE ADVISORY COMMITTEE, SHALL ESTABLISH PROCEDURES TO BE USED BY ORGANIZATIONS OFFERING VOLUNTEER PLACEMENTS SO THAT SUCH ORGANIZATIONS MAY TRAIN VOLUNTEERS, MONITOR AND ENSURE PARTICIPATION IN THE ASSIGNED VOLUNTEER ACTIVITIES, AND PROVIDE A MECHANISM FOR CERTIFICATION THAT VOLUNTEER HOURS WERE COMPLETED. PRIOR TO ASSIGNING ANY PERSON TO PERFORM ANY VOLUNTEER ACTIVITY, THE ORGANIZATION ACCEPTING VOLUNTEERS SHALL PROVIDE SUCH PERSON WITH ANY AND ALL TRAINING THAT IS NECESSARY FOR THE PERFORMANCE OF SUCH VOLUNTEER ACTIVITY.

10. THE MUNICIPAL CORPORATION SHALL DETERMINE THE NUMBER OF PARTICIPANTS TO BE ELIGIBLE FOR THE TAX ABATEMENT PROGRAM UNDER THIS SECTION.

EACH PARTICIPANT MAY BE ASSIGNED UP TO SEVENTY-FIVE HOURS OF VOLUNTEER SERVICES PER YEAR, PROVIDED HOWEVER, THAT THE ANNUAL TAX ABATEMENT AWARDED TO EACH PARTICIPANT SHALL NOT EXCEED SEVEN HUNDRED FIFTY DOLLARS. EACH HOUR ASSIGNED PER VOLUNTEER MUST BE DOCUMENTED BY THE ORGANIZATION ACCEPTING VOLUNTEERS AND SIGNED BY A SUPERVISOR AND EACH HOUR OF VOLUNTEER SERVICE SHALL BE EQUIVALENT TO AN ABATEMENT OF TEN DOLLARS. UNDER NO CIRCUMSTANCES SHALL VOLUNTEERS BE USED TO:

(A) REPLACE ANY EXISTING PAID EMPLOYEES WITHIN THE MUNICIPAL CORPORATION, THE SCHOOL DISTRICT, A NOT-FOR-PROFIT ORGANIZATION OR CIVIC ASSOCIATION IN SUCH PROGRAM; OR

(B) PROVIDE ANY DUTIES, SERVICES OR ACTIVITIES PROVIDED BY THE STATE, A MUNICIPAL CORPORATION OR A SCHOOL DISTRICT.

11. UNDER NO CIRCUMSTANCES SHALL THE TAX ABATEMENT GRANTED PURSUANT TO THIS SECTION EXCEED THE TOTAL ASSESSED VALUE OF THE REAL PROPERTY WHEN SUCH ABATEMENT IS ADDED TO ALL OTHER EXEMPTIONS AND ABATEMENTS THE PROPERTY OWNER OR OWNERS ARE ENTITLED TO PURSUANT TO ANY PROVISION OF LAW.

12. NO PERSON SHALL BE ELIGIBLE FOR A TAX ABATEMENT PURSUANT TO THIS SECTION UNLESS HE OR SHE HAS PARTICIPATED IN VOLUNTEER ACTIVITIES FOR AT LEAST SIX MONTHS PRIOR TO THE DATE WHEN REAL PROPERTY TAXES ARE DUE.

S 2. The real property tax law is amended by adding a new section 1306-c to read as follows:

S 1306-C. EFFECT OF TAX ABATEMENT FOR THE PERFORMANCE OF VOLUNTEER SERVICES BY PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER. 1. LEVY OF TAXES; DETERMINATION OF TAXES DUE. THE TAX RATE ON REAL PROPERTY FOR ANY TAXABLE YEAR SHALL BE DETERMINED AS IF NO PARCELS WERE SUBJECT TO A TAX ABATEMENT UNDER SECTION FOUR HUNDRED SIXTY-SEVEN-G OF THIS CHAPTER. 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 TAX ABATEMENT AUTHORIZED BY SECTION FOUR HUNDRED SIXTY-SEVEN-G OF THIS CHAPTER.

2. TAX SAVINGS. THE TAX SAVINGS FOR EACH PARCEL RECEIVING THE TAX ABATEMENT AUTHORIZED BY SECTION FOUR HUNDRED SIXTY-SEVEN-G OF THIS CHAPTER SHALL BE COMPUTED BY SUBTRACTING THE AMOUNT ACTUALLY LEVIED AGAINST THE PARCEL FROM THE AMOUNT THAT WOULD HAVE BEEN LEVIED IF NOT FOR THE TAX ABATEMENT. 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 TAX ABATEMENT ON REAL PROPERTY FOR THE PERFORMANCE OF VOLUNTEER SERVICES IS $___."

S 3. This act shall take effect immediately.