

4556

2011-2012 Regular Sessions

I N A S S E M B L Y

February 4, 2011

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

AN ACT to amend the real property tax law, in relation to the veteran's alternative exemption

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

1 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 2 of
2 section 458-a of the real property tax law, paragraph (a) as amended by
3 chapter 899 of the laws of 1985, paragraph (b) as amended by chapter 473
4 of the laws of 2004, paragraph (c) as amended by chapter 100 of the laws
5 of 1988, paragraph (d) as added by chapter 525 of the laws of 1984, and
6 subparagraph (ii) of paragraph (d) as amended by chapter 256 of the laws
7 of 2005 and as further amended by section 1 of part W of charter 56 of
8 the laws of 2010, are amended to read as follows:
9 (a) Qualifying residential real property shall be exempt from taxation
10 to the extent of fifteen percent of the assessed value of such property;
11 provided, however, that such exemption shall not exceed [twelve] FIFTEEN
12 thousand dollars or the product of [twelve] FIFTEEN thousand dollars
13 multiplied by the latest state equalization rate for the assessing unit,
14 or in the case of a special assessing unit, the latest class ratio,
15 whichever is less.
16 (b) In addition to the exemption provided by paragraph (a) of this
17 subdivision, where the veteran served in a combat theatre or combat zone
18 of operations, as documented by the award of a United States campaign
19 ribbon or service medal, or the armed forces expeditionary medal, navy
20 expeditionary medal, marine corps expeditionary medal, or global war on
21 terrorism expeditionary medal, qualifying residential real property also
22 shall be exempt from taxation to the extent of ten percent of the
23 assessed value of such property; provided, however, that such exemption

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

LBD00598-02-1

1 shall not exceed [eight] TEN thousand dollars or the product of [eight]
2 TEN thousand dollars multiplied by the latest state equalization rate
3 for the assessing unit, or in the case of a special assessing unit, the
4 class ratio, whichever is less.

5 (c) In addition to the exemptions provided by paragraphs (a) and (b)
6 of this subdivision, where the veteran received a compensation rating
7 from the United States veteran's administration or from the United
8 States department of defense because of a service connected disability,
9 qualifying residential real property shall be exempt from taxation to
10 the extent of the product of the assessed value of such property multi-
11 plied by fifty percent of the veteran's disability rating; provided,
12 however, that such exemption shall not exceed [forty] FIFTY thousand
13 dollars or the product of [forty] FIFTY thousand dollars multiplied by
14 the latest state equalization rate for the assessing unit, or in the
15 case of a special assessing unit, the latest class ratio, whichever is
16 less. For purposes of this paragraph, where a person who served in the
17 active military, naval or air service during a period of war died in
18 service of a service connected disability, such person shall be deemed
19 to have been assigned a compensation rating of one hundred percent.

20 (d) Limitations. (i) The exemption from taxation provided by this
21 subdivision shall be applicable to county, city, town and village taxa-
22 tion, but shall not be applicable to taxes levied for school purposes.

23 (ii) Each county, city, town or village may adopt a local law to
24 reduce the maximum exemption allowable in paragraphs (a), (b) and (c) of
25 this subdivision to TWELVE THOUSAND DOLLARS, EIGHT THOUSAND DOLLARS AND
26 FORTY THOUSAND DOLLARS, RESPECTIVELY OR nine thousand dollars, six thou-
27 sand dollars and thirty thousand dollars, respectively, or six thousand
28 dollars, four thousand dollars and twenty thousand dollars, respective-
29 ly. Each county, city, town, or village is also authorized to adopt a
30 local law to increase the maximum exemption allowable in paragraphs (a),
31 (b) and (c) of this subdivision to fifteen thousand dollars, ten thou-
32 sand dollars and fifty thousand dollars, respectively; eighteen thousand
33 dollars, twelve thousand dollars and sixty thousand dollars, respective-
34 ly; twenty-one thousand dollars, fourteen thousand dollars, and seventy
35 thousand dollars, respectively; twenty-four thousand dollars, sixteen
36 thousand dollars, and eighty thousand dollars, respectively; twenty-sev-
37 en thousand dollars, eighteen thousand dollars, and ninety thousand
38 dollars, respectively; thirty thousand dollars, twenty thousand dollars,
39 and one hundred thousand dollars, respectively; thirty-three thousand
40 dollars, twenty-two thousand dollars, and one hundred ten thousand
41 dollars, respectively; thirty-six thousand dollars, twenty-four thousand
42 dollars, and one hundred twenty thousand dollars, respectively. In addi-
43 tion, a county, city, town or village which is a "high-appreciation
44 municipality" as defined in this subparagraph is authorized to adopt a
45 local law to increase the maximum exemption allowable in paragraphs (a),
46 (b) and (c) of this subdivision to thirty-nine thousand dollars, twen-
47 ty-six thousand dollars, and one hundred thirty thousand dollars,
48 respectively; forty-two thousand dollars, twenty-eight thousand dollars,
49 and one hundred forty thousand dollars, respectively; forty-five thou-
50 sand dollars, thirty thousand dollars and one hundred fifty thousand
51 dollars, respectively; forty-eight thousand dollars, thirty-two thousand
52 dollars and one hundred sixty thousand dollars, respectively; fifty-one
53 thousand dollars, thirty-four thousand dollars and one hundred seventy
54 thousand dollars, respectively; fifty-four thousand dollars, thirty-six
55 thousand dollars and one hundred eighty thousand dollars, respectively.
56 For purposes of this subparagraph, a "high-appreciation municipality"

1 means: (A) a special assessing unit that is a city, (B) a county for
2 which the commissioner has established a sales price differential factor
3 for purposes of the STAR exemption authorized by section four hundred
4 twenty-five of this title in three consecutive years, and (C) a city,
5 town or village which is wholly or partly located within such a county.
6 S 2. This act shall take effect immediately and shall apply to taxes
7 levied on assessment rolls completed on and after July 1, 2002.