

7274

2011-2012 Regular Sessions

I N A S S E M B L Y

April 27, 2011

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

AN ACT to amend the real property tax law, in relation to eliminating
the requirement to annually reapply to the exemption granted to
persons sixty-five years of age or over

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

1 Section 1. Subdivision 6 of section 467 of the real property tax law,
2 as amended by chapter 395 of the laws of 1989, paragraphs (b) and (c) as
3 amended by chapter 471 of the laws of 1990, and paragraphs (a) and (b)
4 as further amended by section 1 of part W of chapter 56 of the laws of
5 2010 is amended to read as follows:
6 6. (a) [At least sixty days prior to the appropriate taxable status
7 date, the assessing authority shall mail to each person who was granted
8 exemption pursuant to this section on the latest completed assessment
9 roll an application form and a notice that such application must be
10 filed on or before taxable status date and be approved in order for the
11 exemption to be granted.] The assessing authority shall, within three
12 days of the completion and filing of the tentative assessment roll,
13 notify by mail any applicant who has included with his OR HER applica-
14 tion at least one self-addressed, pre-paid envelope, of the approval or
15 denial of the application; provided, however, that the assessing author-
16 ity shall, upon the receipt and filing of the application, send by mail
17 notification of receipt to any applicant who has included two of such
18 envelopes with the application. Where an applicant is entitled to a
19 notice of denial pursuant to this subdivision, such notice shall be on a
20 form prescribed by the commissioner and shall state the reasons for such
21 denial and shall further state that the applicant may have such determi-
22 nation reviewed in the manner provided by law. Failure to mail any such
23 application form or notices or the failure of such person to receive any

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

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1 of the same shall not prevent the levy, collection and enforcement of
2 the payment of the taxes on property owned by such person.

3 (b) Except in cities of one million or more, WHERE any person [who]
4 has been granted exemption pursuant to this section on [five (5) consec-
5 utive] A PRIOR completed assessment [rolls] ROLL, including any [years]
6 YEAR when the exemption was granted to a property owned by a husband
7 and/or wife while both resided in such property, [shall not be subject
8 to the requirements set forth in paragraph (a) of this subdivision]
9 provided the governing board of the municipality in which said property
10 is situated after public hearing adopts a local law, ordinance or resol-
11 ution providing therefor [however said person shall be mailed an appli-
12 cation form and a notice informing him of his rights. Such], SUCH
13 exemption shall be automatically granted on each subsequent assessment
14 roll. Provided, however, that when tax payment is made by such person a
15 sworn affidavit must be included with such payment which shall state
16 that such person continues to be eligible for such exemption. Such affi-
17 davit shall be on a form prescribed by the commissioner. If such affida-
18 vit is not included with the tax payment, the collecting officer shall
19 proceed pursuant to section five hundred fifty-one-a of this chapter.

20 (c) In cities of one million or more, any person who has been granted
21 exemption pursuant to this section shall file the completed application
22 with the appropriate assessing authority every twenty-four months from
23 the date such exemption was granted [without the necessity of having
24 been granted exemption pursuant to this section on five (5) consecutive
25 completed assessment rolls including any years when the exemption was
26 granted to a property owned by a husband and/or wife while both resided
27 in such property].

28 S 2. This act shall take effect immediately and shall apply to tax
29 rolls completed on or after such date; provided that any municipal
30 corporation may elect, by local law, ordinance or resolution, to make
31 the provisions of this act effective and in full force and effect in
32 such municipal corporation on and after August 7, 1997.