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

7693--A

2011-2012 Regular Sessions

I N A S S E M B L Y

May 13, 2011

Introduced by M. of A. SALADINO, CURRAN, N. RIVERA, RAIA, RA -- Multi-Sponsored by -- M. of A. GRAF, McDONOUGH, McLAUGHLIN -- read once and referred to the Committee on Real Property Taxation -- recommitted to the Committee on Real Property Taxation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to providing real property tax exemptions for first-time homebuyers and persons age sixty-five or older

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 two new sections 457-a and 457-b to read as follows:

S 457-A. EXEMPTION FOR FIRST-TIME HOMEBUYERS. 1. REAL PROPERTY, INTENDED FOR USE AS THE BUYER'S PRIMARY RESIDENCE AND PURCHASED BY ONE OR MORE PERSONS, AT LEAST ONE OF WHOM IS A FIRST-TIME HOMEBUYER, SHALL BE EXEMPT FROM INCREASE IN TAXATION LEVIED BY OR ON BEHALF OF ANY COUNTY, CITY, TOWN, VILLAGE OR SCHOOL DISTRICT IN WHICH SUCH PROPERTY IS LOCATED. THE LENGTH OF SUCH EXEMPTION SHALL NOT EXCEED FIVE YEARS.

2. IN ORDER TO BE ELIGIBLE FOR THE EXEMPTION DESCRIBED IN SUBDIVISION ONE OF THIS SECTION, THE FIRST-TIME HOMEBUYER MUST HAVE RESIDED IN THE STATE FOR AT LEAST TEN YEARS, AND HAVE A HOUSEHOLD INCOME OF LESS THAN SEVENTY-FIVE THOUSAND DOLLARS PER YEAR.

3. THE STATE SHALL REIMBURSE ANY TAXING ENTITY WHICH SUFFERS A REDUCTION IN REVENUE DUE TO THE PROVISIONS OF THIS SECTION.

S 457-B. REAL PROPERTY TAX FREEZE FOR CERTAIN PERSONS OVER SIXTY-FIVE YEARS OF AGE. 1. REAL PROPERTY OWNED BY ONE OR MORE PERSONS, EACH OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OVER, OR REAL PROPERTY OWNED BY HUSBAND AND WIFE, ONE OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OVER, MAY BE SUBJECT TO A TAXATION FREEZE PROVIDED THE GOVERNING BOARD OF ANY MUNICIPALITY IN WHICH THE REAL PROPERTY IS LOCATED AFTER PUBLIC HEARING,

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

LBD09011-03-2

ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THAT REAL PROPERTY TAXES FOR SUCH PROPERTY BE FROZEN AT THE AMOUNTS PAYABLE AT THE TIME SUCH APPLICATION FOR FREEZE IS MADE.

2. NO FREEZE SHALL BE GRANTED IF 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 FREEZE EXCEEDS THE SUM OF ONE HUNDRED THOUSAND DOLLARS. INCOME TAX YEAR SHALL MEAN THE TWELVE MONTH PERIOD FOR WHICH THE OWNER OR OWNERS FILED A FEDERAL PERSONAL INCOME TAX RETURN, OR IF NO SUCH RETURN IS FILED, THE CALENDAR YEAR. WHERE TITLE IS VESTED IN EITHER THE HUSBAND OR THE WIFE, THEIR COMBINED INCOME MAY NOT EXCEED SUCH SUM. SUCH INCOME SHALL INCLUDE SOCIAL SECURITY AND RETIREMENT BENEFITS, INTEREST, DIVIDENDS, TOTAL GAIN FROM THE SALE OR EXCHANGE OF A CAPITAL ASSET WHICH MAY BE OFFSET BY A LOSS FROM THE SALE OR EXCHANGE OF A CAPITAL ASSET IN THE SAME INCOME TAX YEAR, NET RENTAL INCOME, SALARY OR EARNINGS, AND NET INCOME FROM SELF-EMPLOYMENT, BUT SHALL NOT INCLUDE A RETURN OF CAPITAL, GIFTS OR INHERITANCES.

3. EACH GOVERNING BOARD OF ANY MUNICIPALITY SHALL NOTIFY, OR CAUSE TO BE NOTIFIED, EACH PERSON OWNING RESIDENTIAL REAL PROPERTY IN SUCH MUNICIPALITY OF THE PROVISIONS OF THIS SECTION. THE PROVISIONS OF THIS SUBDIVISION MAY BE MET BY A NOTICE OR LEGEND SENT ON OR WITH EACH TAX BILL TO SUCH PERSONS READING "YOU MAY BE ELIGIBLE FOR A SENIOR CITIZEN TAX FREEZE. SENIOR CITIZENS HAVE UNTIL MONTH ....., DAY ....., YEAR ....., TO APPLY FOR SUCH FREEZE. FOR INFORMATION PLEASE CALL OR WRITE ...." FOLLOWED BY THE NAME, TELEPHONE NUMBER AND/OR ADDRESS OF A PERSON OR DEPARTMENT SELECTED BY THE COUNTY TO EXPLAIN THE PROVISIONS OF THIS SECTION. FAILURE TO NOTIFY, OR CAUSE TO BE NOTIFIED ANY PERSON WHO IS IN FACT, ELIGIBLE TO RECEIVE A FREEZE PROVIDED BY THIS SECTION OR THE FAILURE OF SUCH PERSON TO RECEIVE THE SAME SHALL NOT PREVENT THE LEVY, COLLECTION AND ENFORCEMENT OF THE PAYMENT OF THE TAXES ON PROPERTY OWNED BY SUCH PERSON.

4. APPLICATION FOR SUCH FREEZE MUST BE MADE BY THE OWNER, OR ALL OF THE OWNERS OF THE PROPERTY, ON FORMS PRESCRIBED BY THE COMMISSIONER TO BE FURNISHED BY THE APPROPRIATE ASSESSING AUTHORITY AND SHALL FURNISH THE INFORMATION AND BE EXECUTED IN THE MANNER REQUIRED OR PRESCRIBED IN SUCH FORMS, AND SHALL BE FILED IN SUCH ASSESSOR'S OFFICE ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE.

5. AT LEAST SIXTY DAYS PRIOR TO THE APPROPRIATE TAXABLE STATUS DATE, THE ASSESSING AUTHORITY SHALL MAIL TO EACH PERSON WHO WAS GRANTED A FREEZE PURSUANT TO THIS SECTION ON THE LATEST COMPLETED ASSESSMENT ROLL AN APPLICATION FORM AND A NOTICE THAT SUCH APPLICATION MUST BE FILED ON OR BEFORE THE TAXABLE STATUS DATE AND BE APPROVED IN ORDER FOR THE FREEZE TO BE GRANTED. THE ASSESSING AUTHORITY SHALL, WITHIN THREE DAYS OF THE COMPLETION AND FILING OF THE TENTATIVE ASSESSMENT ROLL, NOTIFY BY MAIL ANY APPLICANT WHO HAS INCLUDED WITH HIS APPLICATION AT LEAST ONE SELF-ADDRESSED, PRE-PAID ENVELOPE, OF THE APPROVAL OR DENIAL OF THE APPLICATION; PROVIDED, HOWEVER, THAT THE ASSESSING AUTHORITY SHALL, UPON THE RECEIPT AND FILING OF THE APPLICATION, SEND BY MAIL NOTIFICATION OF RECEIPT TO ANY APPLICANT WHO HAS INCLUDED TWO OF SUCH ENVELOPES WITH THE APPLICATION. WHERE AN APPLICANT IS ENTITLED TO A NOTICE OF DENIAL PURSUANT TO THIS SUBDIVISION, SUCH NOTICE SHALL BE ON A FORM PRESCRIBED BY THE COMMISSIONER AND SHALL STATE THE REASONS FOR SUCH DENIAL AND SHALL FURTHER STATE THAT THE APPLICANT MAY HAVE SUCH DETERMINATION REVIEWED IN THE MANNER PROVIDED BY LAW. FAILURE TO MAIL ANY SUCH APPLICATION FORM OR NOTICES OR THE FAILURE OF SUCH PERSON TO RECEIVE ANY OF THE SAME SHALL

NOT PREVENT THE LEVY, COLLECTION AND ENFORCEMENT OF THE PAYMENT OF THE TAXES ON PROPERTY OWNED BY SUCH PERSON.

6. ANY CONVICTION OF HAVING MADE ANY WILLFUL FALSE STATEMENT IN THE APPLICATION FOR SUCH FREEZE, SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS AND SHALL DISQUALIFY THE APPLICANT OR APPLICANTS FROM FURTHER FREEZES FOR A PERIOD OF FIVE YEARS.

7. NO MUNICIPALITY SHALL ADOPT A LOCAL LAW, ORDINANCE OR RESOLUTION PURSUANT TO THIS SECTION IF SUCH MUNICIPALITY HAS IN EFFECT A LOCAL LAW, ORDINANCE OR RESOLUTION PERMITTING A REAL PROPERTY TAX EXEMPTION PURSUANT TO SECTION FOUR HUNDRED SIXTY-SEVEN OF THIS ARTICLE.

S 2. Section 467 of the real property tax law is amended by adding a new subdivision 11 to read as follows:

11. NO MUNICIPALITY SHALL ADOPT A LOCAL LAW, ORDINANCE OR RESOLUTION PURSUANT TO THIS SECTION IF SUCH MUNICIPALITY HAS IN EFFECT A LOCAL LAW, ORDINANCE OR RESOLUTION PERMITTING A REAL PROPERTY TAX FREEZE PURSUANT TO SECTION FOUR HUNDRED FIFTY-SEVEN-B OF THIS ARTICLE.

S 3. This act shall take effect immediately, and shall apply to all tax years beginning on and after July 1, 2012.