

4811

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the real property tax law, in relation to creating a senior citizen school tax freeze exemption for school tax purposes for certain persons sixty-five years of age or over

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 467-g to read as follows:
3 S 467-G. SENIOR CITIZEN SCHOOL TAX FREEZE EXEMPTION. 1. (A) NOTWITH-
4 STANDING ANY INCONSISTENT PROVISION OF SECTION FOUR HUNDRED SIXTY-SEVEN
5 OF THIS TITLE OR ANY OTHER PROVISION OF LAW, REAL PROPERTY OWNED BY ONE
6 OR MORE PERSONS EACH OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OVER, OR REAL
7 PROPERTY OWNED BY HUSBAND AND WIFE OR BY SIBLINGS, ONE OF WHOM IS
8 SIXTY-FIVE YEARS OF AGE OR OVER AND THE YOUNGEST OWNER IS AT LEAST
9 SIXTY-TWO YEARS OF AGE; SUCH PERSONS HAVING RESIDED IN THE SAME SCHOOL
10 DISTRICT FOR AT LEAST THIRTY YEARS AND DO NOT HAVE ANY CHILDREN ENROLLED
11 IN SUCH SCHOOL DISTRICT; AND SUCH PERSONS HAVING MET THE INCOME ELIGI-
12 BILITY STANDARDS AS SET FORTH IN PARAGRAPH (B) OF SUBDIVISION FOUR OF
13 SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE, SHALL BE EXEMPT FROM
14 TAXATION BY ANY MUNICIPAL CORPORATION FOR SCHOOL PURPOSES IN ACCORDANCE
15 WITH THIS SUBDIVISION.
16 (B) FOR ANY PERSON WHO OTHERWISE QUALIFIES UNDER PARAGRAPH (A) OF THIS
17 SUBDIVISION, THE AMOUNT OF TAXES SUCH PERSON PAID IN THE YEAR IN WHICH
18 THEY ATTAINED THE AGE OF SIXTY-FIVE YEARS SHALL BE ESTABLISHED AS THE
19 TAXPAYER'S BASE AMOUNT, AND SUCH BASE AMOUNT SHALL NOT BE INCREASED FOR
20 THE REMAINDER OF SUCH PERSON'S OWNERSHIP OF THE REAL PROPERTY. SUCH
21 AMOUNT SHALL BE SUBJECT TO THE FOLLOWING ANNUAL EXEMPTIONS:

22 NUMBER OF YEARS AFTER QUALIFYING	AMOUNT OF EXEMPTION
23 FOR REAL PROPERTY TAX FREEZE	

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

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1	1 YEAR	10% OF THE TAXPAYER'S BASE AMOUNT
2	2 YEARS	20% OF THE TAXPAYER'S BASE AMOUNT
3	3 YEARS	30% OF THE TAXPAYER'S BASE AMOUNT
4	4 YEARS	40% OF THE TAXPAYER'S BASE AMOUNT
5	5 YEARS	50% OF THE TAXPAYER'S BASE AMOUNT
6	6 YEARS	60% OF THE TAXPAYER'S BASE AMOUNT
7	7 YEARS	70% OF THE TAXPAYER'S BASE AMOUNT
8	8 YEARS	80% OF THE TAXPAYER'S BASE AMOUNT
9	9 YEARS	90% OF THE TAXPAYER'S BASE AMOUNT
10	10 YEARS AND EVERY YEAR THEREAFTER	100% OF THE TAXPAYER'S BASE AMOUNT

11 2. APPLICABILITY AND INCOME ELIGIBILITY. ALL OF THE PROVISIONS OF
12 SECTION FOUR HUNDRED SIXTY-SEVEN OF THIS TITLE APPLICABLE TO THE GRANT-
13 ING OF EXEMPTIONS FOR GENERAL, COUNTY, CITY, TOWN OR VILLAGE PURPOSES
14 INSOFAR AS SUCH PROVISIONS ARE NOT INCONSISTENT WITH THE PROVISIONS OF
15 THIS SECTION SHALL BE APPLICABLE TO THE EFFECTUATING OF THE EXEMPTION
16 PROVIDED IN THIS SECTION; PROVIDED HOWEVER, THE INCOME ELIGIBILITY LEVEL
17 APPLICABLE TO THE EFFECTUATING OF THE EXEMPTION FOR SCHOOL PURPOSES
18 PROVIDED IN THIS SECTION SHALL BE IN ACCORDANCE WITH PARAGRAPH (B) OF
19 SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE.

20 3. QUALIFICATION. (A) TO QUALIFY FOR EXEMPTION PURSUANT TO THIS
21 SECTION, THE PROPERTY MUST BE A ONE, TWO OR THREE FAMILY RESIDENCE, A
22 FARM DWELLING OR RESIDENTIAL PROPERTY HELD IN CONDOMINIUM OR COOPERATIVE
23 FORM OF OWNERSHIP. IF THE PROPERTY IS NOT AN ELIGIBLE TYPE OF PROPERTY,
24 BUT A PORTION OF THE PROPERTY IS PARTIALLY USED BY THE OWNER AS A PRIMA-
25 RY RESIDENCE, THAT PORTION WHICH IS SO USED SHALL BE ENTITLED TO THE
26 EXEMPTION PROVIDED BY THIS SECTION; PROVIDED THAT IN NO EVENT SHALL THE
27 EXEMPTION EXCEED THE ASSESSED VALUE ATTRIBUTABLE TO THAT PORTION.

28 (B) PRIMARY RESIDENCE. THE PROPERTY MUST SERVE AS THE PRIMARY RESI-
29 DENCE OF ONE OR MORE OF THE OWNERS THEREOF.

30 (C) TRUSTS. IF LEGAL TITLE TO THE PROPERTY IS HELD BY ONE OR MORE
31 TRUSTEES, THE BENEFICIAL OWNER OR OWNERS SHALL BE DEEMED TO OWN THE
32 PROPERTY FOR PURPOSES OF THIS SUBDIVISION.

33 (D) FARM DWELLINGS NOT OWNED BY THE RESIDENT. (I) IF LEGAL TITLE TO
34 THE FARM DWELLING IS HELD BY AN S-CORPORATION OR BY A C-CORPORATION, THE
35 EXEMPTION SHALL BE GRANTED IF THE PROPERTY SERVES AS THE PRIMARY RESI-
36 DENCE OF A SHAREHOLDER OF SUCH CORPORATION.

37 (II) IF THE LEGAL TITLE TO THE FARM DWELLING IS HELD BY A PARTNERSHIP,
38 THE EXEMPTION SHALL BE GRANTED IF THE PROPERTY SERVES AS THE PRIMARY
39 RESIDENCE OF ONE OR MORE OF THE PARTNERS.

40 (III) ANY INFORMATION DEEMED NECESSARY TO ESTABLISH SHAREHOLDER OR
41 PARTNER STATUS FOR ELIGIBILITY PURPOSES SHALL BE CONSIDERED CONFIDENTIAL
42 AND EXEMPT FROM THE FREEDOM OF INFORMATION LAW.

43 4. LEVY OF TAXES. (A) DETERMINATION OF TAXES DUE. THE AMOUNT OF TAXES
44 TO BE LEVIED FOR ANY SCHOOL YEAR SHALL BE DETERMINED WITHOUT REGARD TO
45 THE FACT THAT STATE AID WILL BE PAYABLE PURSUANT TO THIS SECTION. IN
46 ADDITION, THE TAX RATE FOR ANY SCHOOL YEAR SHALL BE DETERMINED AS IF NO
47 PARCELS WERE EXEMPT FROM TAXATION PURSUANT TO THIS SECTION. HOWEVER, THE
48 TAX RATE SO DETERMINED SHALL BE APPLIED TO THE TAXABLE ASSESSED VALUE OF
49 EACH PARCEL AFTER ACCOUNTING FOR ALL APPLICABLE EXEMPTIONS, INCLUDING
50 THE EXEMPTION AUTHORIZED BY THIS SECTION.

51 (B) TAX SAVINGS. THE TAX SAVINGS FOR EACH PARCEL RECEIVING THE
52 EXEMPTION AUTHORIZED BY THIS SECTION SHALL BE COMPUTED BY SUBTRACTING
53 THE AMOUNT ACTUALLY LEVIED AGAINST THE PARCEL FROM THE AMOUNT THAT WOULD
54 HAVE BEEN LEVIED IF NOT FOR THE EXEMPTION. A STATEMENT SHALL THEN BE
55 PLACED ON THE TAX BILL FOR THE PARCEL IN SUBSTANTIALLY THE FOLLOWING

1 FORM: "YOUR TAX SAVINGS THIS YEAR RESULTING FROM THE NEW YORK STATE
2 SENIOR CITIZEN SCHOOL TAX FREEZE PROGRAM IS \$_____."

3 (C) STATE AID. (I) THE TOTAL TAX SAVINGS DULY PROVIDED BY EACH SCHOOL
4 DISTRICT PURSUANT TO THIS SECTION SHALL BE A STATE CHARGE, WHICH SHALL
5 BE PAYABLE AS PROVIDED HEREIN.

6 (II) A SCHOOL DISTRICT SEEKING STATE AID PURSUANT TO THIS SECTION
7 SHALL SUBMIT AN APPLICATION THEREFOR TO THE COMMISSIONER. THE APPLICA-
8 TION SHALL INCLUDE SUCH INFORMATION AS THE COMMISSIONER SHALL REQUIRE.

9 (III) UPON APPROVING AN APPLICATION FOR STATE AID PURSUANT TO THIS
10 SECTION, THE COMMISSIONER SHALL COMPUTE AND CERTIFY TO THE COMMISSIONER
11 OF EDUCATION THE AMOUNTS PAYABLE TO THE SCHOOL DISTRICT. SUCH STATE AID
12 SHALL BE PAYABLE UPON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER
13 FROM VOUCHERS CERTIFIED AND APPROVED BY THE COMMISSIONER OF EDUCATION.

14 (IV) THE COMMISSIONER MAY AUDIT AN APPLICATION FOR STATE AID PURSUANT
15 TO THIS SECTION WITHIN ONE YEAR AFTER AUTHORIZING PAYMENT THEREON. IF
16 THE COMMISSIONER SHOULD DISCOVER THAT A SCHOOL DISTRICT HAS RECEIVED A
17 GREATER OR LESSER AMOUNT OF SUCH AID THAN IT SHOULD HAVE RECEIVED, THE
18 COMMISSIONER SHALL SO NOTIFY THE SCHOOL DISTRICT, AND SHALL CAUSE THE
19 NEXT PAYMENT OF SUCH AID TO THE SCHOOL DISTRICT TO BE ADJUSTED ACCORD-
20 INGLY.

21 (V) WHEN AN IMPROPERLY GRANTED EXEMPTION HAS BEEN REVOKED IN THE
22 MANNER PROVIDED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE, THE
23 AID PAYABLE TO THE SCHOOL DISTRICT PURSUANT TO THIS SECTION SHALL BE
24 REDUCED BY THE AMOUNT OF THE TAXES ATTRIBUTABLE TO THE REVOKED
25 EXEMPTION.

26 (D) INSTALLMENT PAYMENTS. WHEN SCHOOL TAXES ARE PAYABLE IN INSTALL-
27 MENTS PURSUANT TO LAW, THE TAX SAVINGS PROVIDED BY THIS SECTION SHALL BE
28 APPLIED PROPORTIONALLY AGAINST THE RESPECTIVE INSTALLMENTS.

29 (E) UNTIMELY PAYMENT OF TAXES. (I) WHEN TAXES ON A PROPERTY RECEIVING
30 THE EXEMPTION AUTHORIZED BY THIS SECTION ARE NOT PAID IN A TIMELY
31 MANNER, INTEREST, PENALTIES AND ANY OTHER APPLICABLE CHARGES SHALL BE
32 IMPOSED ONLY AGAINST THE BALANCE DUE AFTER THE TAX SAVINGS PROVIDED BY
33 THIS SECTION HAVE BEEN DEDUCTED FROM THE TAXES OWED.

34 (II) WHEN A COUNTY, CITY OR TOWN IS REQUIRED BY SECTION THIRTEEN
35 HUNDRED THIRTY OR THIRTEEN HUNDRED THIRTY-TWO OF THIS CHAPTER, OR BY ANY
36 OTHER GENERAL OR SPECIAL LAW, TO MAKE A PAYMENT TO A SCHOOL DISTRICT ON
37 ACCOUNT OF UNPAID SCHOOL TAXES, THE TAX SAVINGS PROVIDED BY THIS SECTION
38 SHALL BE DEDUCTED FROM THE AMOUNT SO PAYABLE.

39 5. NOTICE REQUIREMENT. (A) GENERALLY. EVERY SCHOOL DISTRICT SHALL
40 NOTIFY, OR CAUSE TO BE NOTIFIED, EACH PERSON OWNING RESIDENTIAL REAL
41 PROPERTY IN THE SCHOOL DISTRICT OF THE PROVISIONS OF THIS SECTION. THE
42 PROVISIONS OF THIS SUBDIVISION MAY BE MET BY A NOTICE SENT TO SUCH
43 PERSONS IN SUBSTANTIALLY THE FOLLOWING FORM: "RESIDENTIAL REAL PROPERTY
44 MAY QUALIFY FOR A SENIOR CITIZEN SCHOOL TAX FREEZE EXEMPTION FROM SCHOOL
45 DISTRICT TAXES UNDER THE NEW YORK STATE SENIOR CITIZEN SCHOOL TAX FREEZE
46 PROGRAM. TO RECEIVE SUCH EXEMPTION, OWNERS OF QUALIFYING PROPERTY MUST
47 FILE AN APPLICATION WITH THEIR LOCAL ASSESSOR ON OR BEFORE THE APPLICA-
48 BLE TAXABLE STATUS DATE. FOR FURTHER INFORMATION, PLEASE CONTACT YOUR
49 LOCAL ASSESSOR."

50 (B) THIRD PARTY NOTICE. A SENIOR CITIZEN ELIGIBLE FOR THE EXEMPTION
51 MAY REQUEST THAT A NOTICE BE SENT TO AN ADULT THIRD PARTY. SUCH REQUEST
52 SHALL BE MADE ON A FORM PRESCRIBED BY THE COMMISSIONER AND SHALL BE
53 SUBMITTED TO THE ASSESSOR OF THE ASSESSING UNIT IN WHICH THE ELIGIBLE
54 TAXPAYER RESIDES NO LATER THAN SIXTY DAYS BEFORE THE FIRST TAXABLE
55 STATUS DATE TO WHICH IT IS TO APPLY. SUCH FORM SHALL PROVIDE A SECTION
56 WHEREBY THE DESIGNATED THIRD PARTY SHALL CONSENT TO SUCH DESIGNATION.

1 SUCH REQUEST SHALL BE EFFECTIVE UPON RECEIPT BY THE ASSESSOR. THE ASSES-
2 SOR SHALL MAINTAIN A LIST OF ALL ELIGIBLE PROPERTY OWNERS WHO HAVE
3 REQUESTED NOTICES PURSUANT TO THIS PARAGRAPH.

4 (C) NOTICE NOT MAILED OR RECEIVED. FAILURE TO MAIL ANY NOTICE REQUIRED
5 BY THIS SUBDIVISION, OR THE FAILURE OF A PARTY TO RECEIVE SAME, SHALL
6 NOT AFFECT THE VALIDITY OF THE LEVY, COLLECTION, OR ENFORCEMENT OF TAXES
7 ON PROPERTY OWNED BY SUCH PERSON, OR IN THE CASE OF A THIRD PARTY
8 NOTICE, ON PROPERTY OWNED BY THE SENIOR CITIZEN.

9 6. APPLICATION PROCEDURE. (A) GENERALLY. ALL OWNERS OF THE PROPERTY
10 WHO PRIMARILY RESIDE THEREON MUST JOINTLY FILE AN APPLICATION FOR
11 EXEMPTION WITH THE ASSESSOR ON OR BEFORE THE APPROPRIATE TAXABLE STATUS
12 DATE. SUCH APPLICATION MAY BE FILED BY MAIL IF IT IS ENCLOSED IN A POST-
13 PAID ENVELOPE PROPERLY ADDRESSED TO THE APPROPRIATE ASSESSOR, DEPOSITED
14 IN A POST OFFICE OR OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE OF THE
15 UNITED STATES POSTAL SERVICE, AND POSTMARKED BY THE UNITED STATES POSTAL
16 SERVICE ON OR BEFORE THE APPLICABLE TAXABLE STATUS DATE. EACH SUCH
17 APPLICATION SHALL BE MADE ON A FORM PRESCRIBED BY THE COMMISSIONER,
18 WHICH SHALL REQUIRE THE APPLICANT OR APPLICANTS TO AGREE TO NOTIFY THE
19 ASSESSOR IF THEIR PRIMARY RESIDENCE CHANGES WHILE THEIR PROPERTY IS
20 RECEIVING THE EXEMPTION. THE ASSESSOR SHALL REQUEST THAT PROOF OF RESI-
21 DENCY BE SUBMITTED WITH THE APPLICATION.

22 (B) FINAL DATE FOR EXEMPTION APPLICATION IN THE CITY OF NEW YORK.
23 NOTWITHSTANDING THE PROVISIONS OF THIS SECTION OR ANY OTHER PROVISION OF
24 LAW, IN THE CITY OF NEW YORK, APPLICATIONS FOR THE EXEMPTION AUTHORIZED
25 PURSUANT TO THIS SECTION SHALL BE CONSIDERED TIMELY FILED IF THEY ARE
26 FILED ON OR BEFORE THE FIFTEENTH DAY OF MARCH OF THE APPROPRIATE YEAR
27 AND IN SUCH CITY ALL REFERENCES IN THIS SECTION TO TAXABLE STATUS DATE
28 SHALL BE DEEMED TO REFER TO THE FIFTEENTH DAY OF MARCH OF THE APPROPRI-
29 ATE YEAR.

30 (C) APPROVAL OR DENIAL OF APPLICATION. IF THE ASSESSOR IS SATISFIED
31 THAT THE APPLICANT OR APPLICANTS ARE ENTITLED TO AN EXEMPTION PURSUANT
32 TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICATION AND SUCH REAL
33 PROPERTY SHALL THEREAFTER BE EXEMPT FROM SCHOOL DISTRICT TAXATION AS
34 PROVIDED HEREIN. IF THE ASSESSOR DETERMINES THAT THE APPLICANT OR APPLI-
35 CANTS ARE NOT ENTITLED TO AN EXEMPTION PURSUANT TO THIS SECTION, HE OR
36 SHE SHALL, NOT LATER THAN TEN DAYS PRIOR TO THE DATE FOR HEARING
37 COMPLAINTS IN RELATION TO ASSESSMENTS, MAIL TO EACH APPLICANT NOT ENTI-
38 TLED TO THE EXEMPTION A NOTICE OF DENIAL OF THAT APPLICATION FOR THE
39 EXEMPTION HEREIN FOR THAT YEAR; EXCEPT THAT IN THE CITY OF NEW YORK,
40 SUCH NOTICE SHALL BE MAILED NOT LATER THAN THIRTY DAYS PRIOR TO THE
41 FINAL DATE FOR FILING AN ASSESSMENT APPEAL AS SET FORTH IN PARAGRAPH (D)
42 OF THIS SUBDIVISION. THE NOTICE OF DENIAL SHALL SPECIFY EACH REASON FOR
43 SUCH DENIAL AND SHALL BE SENT ON A FORM PRESCRIBED BY THE COMMISSIONER.
44 FAILURE TO MAIL ANY SUCH NOTICE OF DENIAL OR THE FAILURE OF ANY PERSON
45 TO RECEIVE SUCH NOTICE SHALL NOT PREVENT THE LEVY, COLLECTION AND
46 ENFORCEMENT OF THE TAXES ON PROPERTY OWNED BY SUCH PERSON.

47 (D) FINAL DATE FOR FILING ASSESSMENT APPEAL IN THE CITY OF NEW YORK.
48 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE CITY OF NEW YORK, THE
49 FINAL DATE FOR FILING AN ASSESSMENT APPEAL WITH RESPECT TO THE DENIAL OF
50 APPLICATIONS PURSUANT TO THIS SECTION ONLY SHALL BE THE THIRTY-FIRST DAY
51 OF MAY OF THE APPROPRIATE YEAR. WITH RESPECT TO ASSESSMENT APPEALS FILED
52 PURSUANT TO THIS PARAGRAPH AFTER THE FINAL DATE FOR FILING AN ASSESSMENT
53 APPEAL AS SET FORTH IN CHAPTER SEVEN OF THE NEW YORK CITY CHARTER, THE
54 ONLY ISSUES THAT WILL BE DETERMINED BY THE TAX COMMISSION ARE THOSE THAT
55 RELATE TO THE DENIAL OF AN APPLICATION FOR EXEMPTION PURSUANT TO THIS
56 SECTION.

1 (E) PRIOR YEAR ASSESSMENT ROLLS. (I) WHERE SCHOOL DISTRICT TAXES ARE
2 LEVIED UPON PRIOR YEAR ASSESSMENT ROLLS, THE ASSESSING UNIT MAY ADOPT A
3 LOCAL LAW ALLOWING SENIOR CITIZEN SCHOOL TAX FREEZE EXEMPTION APPLICA-
4 TIONS FOR EACH SCHOOL YEAR TO BE SUBMITTED ON OR BEFORE THE TAXABLE
5 STATUS DATE OF THE CURRENT YEAR'S ASSESSMENT ROLL. SUCH LOCAL LAW SHALL
6 APPLY TO ASSESSMENT ROLLS BASED UPON TAXABLE STATUS DATES OCCURRING ON
7 OR AFTER THE EFFECTIVE DATE OF SUCH LOCAL LAW AND SHALL REMAIN APPLICA-
8 BLE THEREAFTER UNLESS AND UNTIL IT SHOULD BE REPEALED OR RESCINDED.

9 (II) WHEN SUCH A LOCAL LAW IS IN EFFECT THE ELIGIBILITY OF PROPERTY
10 FOR A SENIOR CITIZEN SCHOOL TAX FREEZE EXEMPTION FOR A SCHOOL YEAR SHALL
11 BE BASED UPON THE CONDITION OF THE PROPERTY AS OF THE TAXABLE STATUS
12 DATE OF THE PRIOR YEAR'S ASSESSMENT ROLL, AND THE OWNERSHIP OF THE PROP-
13 erty AS OF THE TAXABLE STATUS DATE OF THE CURRENT YEAR'S ASSESSMENT
14 ROLL. WHEN A SENIOR CITIZEN SCHOOL TAX FREEZE APPLICATION IS APPROVED,
15 THE PRIOR YEAR'S ASSESSMENT ROLL SHALL BE REVISED ACCORDINGLY. WHEN A
16 SENIOR CITIZEN SCHOOL TAX FREEZE APPLICATION IS DENIED, THE APPLICANT
17 MAY SEEK ADMINISTRATIVE AND JUDICIAL REVIEW OF THE DENIAL, SUBJECT TO
18 THE SAME TIMING CONSTRAINTS THAT APPLY TO PERSONS SEEKING REVIEW OF
19 ASSESSMENTS APPEARING ON THE CURRENT YEAR'S ASSESSMENT ROLL.

20 (III) FOR PURPOSES OF THIS PARAGRAPH, THE TERM "CURRENT YEAR'S ASSESS-
21 MENT ROLL" MEANS THE FINAL ASSESSMENT ROLL WHICH IS REQUIRED BY LAW TO
22 BE COMPLETED IN THE CALENDAR YEAR THAT CONTAINS THE FIRST DAY OF THE
23 SCHOOL YEAR IN QUESTION, AND THE TERM "PRIOR YEAR'S ASSESSMENT ROLL"
24 MEANS THE FINAL ASSESSMENT ROLL WHICH WAS REQUIRED BY LAW TO BE
25 COMPLETED IN THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CALENDAR YEAR
26 THAT CONTAINS THE FIRST DAY OF THE SCHOOL YEAR IN QUESTION.

27 (F) EXCEPT IN THE CITY OF NEW YORK, NOTWITHSTANDING THE PROVISIONS OF
28 PARAGRAPH (A) OF THIS SUBDIVISION, AN APPLICATION FOR SUCH EXEMPTION MAY
29 BE FILED WITH THE ASSESSOR AFTER THE APPROPRIATE TAXABLE STATUS DATE BUT
30 NOT LATER THAN THE LAST DATE ON WHICH A PETITION WITH RESPECT TO
31 COMPLAINTS OF ASSESSMENT MAY BE FILED, WHERE FAILURE TO FILE A TIMELY
32 APPLICATION RESULTED FROM: (I) A DEATH OF THE APPLICANT'S SPOUSE, CHILD,
33 PARENT, BROTHER OR SISTER; OR (II) AN ILLNESS OF THE APPLICANT OR OF THE
34 APPLICANT'S SPOUSE, CHILD, PARENT, BROTHER OR SISTER, WHICH ACTUALLY
35 PREVENTS THE APPLICANT FROM FILING ON A TIMELY BASIS, AS CERTIFIED BY A
36 LICENSED PHYSICIAN. THE ASSESSOR SHALL APPROVE OR DENY SUCH APPLICATION
37 AS IF IT HAD BEEN FILED ON OR BEFORE THE TAXABLE STATUS DATE.

38 7. ENTRY ON ASSESSMENT ROLL. (A) THE ASSESSED VALUE OF ANY EXEMPTION
39 GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE ASSESSOR ON THE
40 ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE AMOUNT OF THE
41 EXEMPTION ENTERED IN A SEPARATE COLUMN.

42 (B) THE EXEMPTION PROVIDED BY THIS SECTION SHALL BE APPLIED AFTER ALL
43 OTHER EXEMPTIONS ALLOWED BY LAW HAVE BEEN SUBTRACTED FROM THE TOTAL
44 ASSESSED VALUE OF THE PARCEL, NOTWITHSTANDING THE PROVISIONS OF ANY LAW
45 TO THE CONTRARY.

46 (C) IN NO EVENT SHALL THE EXEMPTION AUTHORIZED BY THIS SECTION EXCEED
47 THE TOTAL ASSESSED VALUE OF THE PARCEL LESS ALL OTHER EXEMPTIONS ALLOWED
48 BY LAW.

49 8. EFFECT OF EXEMPTION. THE EXEMPTION SHALL NOT BE CONSIDERED WHEN
50 DETERMINING STATE AID TO EDUCATION PURSUANT TO SECTION THIRTY-SIX
51 HUNDRED TWO OF THE EDUCATION LAW, WHEN DETERMINING SCHOOL DISTRICT DEBT
52 LIMITS PURSUANT TO LAW, WHEN DETERMINING THE AMOUNT OF TAXES TO BE
53 LEVIED BY OR ON BEHALF OF A SCHOOL DISTRICT, WHEN CALCULATING TAX RATES
54 FOR A SCHOOL DISTRICT, WHEN APPORTIONING TAXES BETWEEN OR AMONG SCHOOL
55 DISTRICTS, WHEN APPORTIONING TAXES AMONG CLASSES IN A SPECIAL ASSESSING
56 UNIT UNDER ARTICLE EIGHTEEN OF THIS CHAPTER, OR WHEN APPORTIONING TAXES

1 BETWEEN CLASSES IN AN APPROVED ASSESSING UNIT UNDER ARTICLE NINETEEN OF
2 THIS CHAPTER.

3 9. PROOF OF RESIDENCY. (A) REQUESTS. FROM TIME TO TIME, THE ASSESSOR
4 MAY REQUEST PROOF OF RESIDENCY FROM THE OWNER OR OWNERS OF ANY PROPERTY
5 WHICH IS EXEMPT PURSUANT TO THIS SECTION. IN ADDITION, THE ASSESSOR
6 SHALL REQUEST PROOF OF RESIDENCY FROM ANY SUCH OWNER OR OWNERS WHEN
7 REQUESTED TO DO SO BY THE COMMISSIONER.

8 (B) TIMING. A REQUEST FOR PROOF OF RESIDENCY SHALL BE MAILED AT LEAST
9 SIXTY DAYS PRIOR TO THE ENSUING TAXABLE STATUS DATE. THE OWNER OR OWNERS
10 SHALL SUBMIT PROOF OF THEIR RESIDENCY TO THE ASSESSOR ON OR BEFORE THE
11 ENSUING TAXABLE STATUS DATE.

12 (C) REVIEW OF SUBMISSION. THE BURDEN SHALL BE ON THE OWNER OR OWNERS
13 TO ESTABLISH THAT THE PROPERTY IS THEIR PRIMARY RESIDENCE. IF THEY
14 SUBMIT PROOF OF RESIDENCY ON OR BEFORE THE ENSUING TAXABLE STATUS DATE,
15 AND THE SUBMISSION DEMONSTRATES TO THE ASSESSOR'S SATISFACTION THAT THE
16 PROPERTY IS THE PRIMARY RESIDENCE OF ONE OR MORE OF THE OWNERS THEREOF,
17 AND IF THE REQUIREMENTS OF THIS SECTION ARE OTHERWISE SATISFIED, THE
18 EXEMPTION SHALL CONTINUE IN EFFECT ON THE ENSUING TENTATIVE ASSESSMENT
19 ROLL. OTHERWISE, THE ASSESSOR SHALL DISCONTINUE THE EXEMPTION ON THE
20 NEXT ENSUING TENTATIVE ASSESSMENT ROLL AS PROVIDED HEREIN, AND, WHERE
21 APPROPRIATE, SHALL PROCEED AS FURTHER PROVIDED HEREIN.

22 10. DISCONTINUANCE OF EXEMPTION. (A) GENERALLY. THE ASSESSOR SHALL
23 DISCONTINUE ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION IF IT APPEARS
24 THAT:

25 (I) THE PROPERTY MAY NOT BE THE PRIMARY RESIDENCE OF THE OWNER OR
26 OWNERS WHO APPLIED FOR THE EXEMPTION,

27 (II) TITLE TO THE PROPERTY HAS BEEN TRANSFERRED TO A NEW OWNER OR
28 OWNERS, OR

29 (III) THE PROPERTY OTHERWISE MAY NO LONGER BE ELIGIBLE FOR THE
30 EXEMPTION.

31 (B) RIGHTS OF OWNERS. UPON DETERMINING THAT AN EXEMPTION GRANTED
32 PURSUANT TO THIS SECTION SHOULD BE DISCONTINUED, THE ASSESSOR SHALL MAIL
33 A NOTICE SO STATING TO THE OWNER OR OWNERS THEREOF AT THE TIME AND IN
34 THE MANNER PROVIDED BY SECTION FIVE HUNDRED TEN OF THIS CHAPTER. SUCH
35 OWNER OR OWNERS SHALL BE ENTITLED TO SEEK ADMINISTRATIVE AND JUDICIAL
36 REVIEW OF SUCH ACTION IN THE MANNER PROVIDED BY LAW, PROVIDED, THAT THE
37 BURDEN SHALL BE ON SUCH OWNER OR OWNERS TO ESTABLISH ELIGIBILITY FOR THE
38 EXEMPTION.

39 11. REVOCATION OF PRIOR EXEMPTIONS. (A) GENERALLY. IN ADDITION TO
40 DISCONTINUING THE EXEMPTION ON THE NEXT ENSUING TENTATIVE ASSESSMENT
41 ROLL, IF THE ASSESSOR DETERMINES THAT THE PROPERTY IMPROPERLY RECEIVED
42 THE EXEMPTION ON ONE OR MORE OF THE THREE PRECEDING ASSESSMENT ROLLS,
43 THE ASSESSOR SHALL PROCEED TO REVOKE THE IMPROPERLY GRANTED PRIOR
44 EXEMPTION OR EXEMPTIONS.

45 (B) PROCEDURE. THE ASSESSED VALUE ATTRIBUTABLE TO EACH SUCH IMPROPERLY
46 GRANTED EXEMPTION SHALL BE ENTERED SEPARATELY ON THE NEXT ENSUING TENTA-
47 TIVE OR FINAL ASSESSMENT ROLL. THE PROVISIONS OF SECTION FIVE HUNDRED
48 FIFTY-ONE OR FIVE HUNDRED FIFTY-THREE OF THIS CHAPTER, RELATING TO THE
49 ENTRY BY THE ASSESSOR OF OMITTED REAL PROPERTY ON A TENTATIVE OR FINAL
50 ASSESSMENT ROLL, SHALL APPLY SO FAR AS PRACTICABLE TO THE REVOCATION
51 PROCEDURE, EXCEPT THAT THE TAX RATE TO BE APPLIED TO ANY REVOKED
52 EXEMPTION SHALL BE THE TAX RATE THAT WAS APPLIED TO THE CORRESPONDING
53 ASSESSMENT ROLL.

54 (C) RIGHTS OF OWNERS. EACH OWNER OR OWNERS SHALL BE GIVEN NOTICE OF
55 THE POSSIBLE REVOCATION OF THEIR EXEMPTION OR EXEMPTIONS AT THE TIME AND
56 IN THE MANNER PROVIDED BY SECTION FIVE HUNDRED TEN OR FIVE HUNDRED

FIFTY-THREE OF THIS CHAPTER, AND SHALL BE ENTITLED TO SEEK ADMINISTRATIVE AND JUDICIAL REVIEW OF SUCH ACTION IN THE MANNER PROVIDED BY LAW.

12. PENALTY FOR MATERIAL MISSTATEMENTS. (A) GENERALLY. IF THE ASSESSOR SHOULD DETERMINE, WITHIN THREE YEARS FROM THE FILING OF AN APPLICATION FOR EXEMPTION PURSUANT TO THIS SECTION, THAT THERE WAS A MATERIAL MISSTATEMENT ON THE APPLICATION, HE OR SHE SHALL PROCEED TO IMPOSE A PENALTY TAX AGAINST THE PROPERTY OF ONE HUNDRED DOLLARS. AN APPLICATION SHALL BE DEEMED TO CONTAIN A MATERIAL MISSTATEMENT FOR THIS PURPOSE WHEN EITHER:

(I) THE APPLICANT OR APPLICANTS CLAIMED THAT THE PROPERTY WAS THEIR PRIMARY RESIDENCE, WHEN IT WAS NOT;

(II) THE APPLICANT OR APPLICANTS MISREPRESENTED THEIR AGE SO AS TO APPEAR ELIGIBLE FOR SUCH EXEMPTION, WHEN THEY WERE NOT;

(III) THE APPLICANT OR APPLICANTS CLAIMED THEY DID NOT HAVE A CHILD ENROLLED IN SUCH SCHOOL DISTRICT, WHEN THEY DID; OR

(IV) THE APPLICANT OR APPLICANTS CLAIMED THEY HAD RESIDED IN THE SCHOOL DISTRICT CONTINUOUSLY FOR THIRTY YEARS, WHEN THEY HAD NOT.

(B) PROCEDURE. WHEN THE ASSESSOR DETERMINES THAT A PENALTY TAX SHOULD BE IMPOSED, THE PENALTY TAX SHALL BE ENTERED ON THE NEXT ENSUING TENTATIVE OR FINAL ASSESSMENT ROLL. THE PROCEDURES SET FORTH IN SECTION FIVE HUNDRED FIFTY-ONE OR FIVE HUNDRED FIFTY-THREE OF THIS CHAPTER, RELATING TO THE ENTRY BY THE ASSESSOR OF OMITTED REAL PROPERTY ON A TENTATIVE OR FINAL ASSESSMENT ROLL, SHALL APPLY SO FAR AS PRACTICABLE WHEN IMPOSING A PENALTY TAX PURSUANT TO THIS SUBDIVISION. EACH OWNER OR OWNERS SHALL BE GIVEN NOTICE OF THE POSSIBLE IMPOSITION OF A PENALTY TAX AT THE TIME AND IN THE MANNER PROVIDED BY SECTION FIVE HUNDRED TEN OR FIVE HUNDRED FIFTY-THREE OF THIS CHAPTER, AND SHALL BE ENTITLED TO SEEK ADMINISTRATIVE AND JUDICIAL REVIEW OF SUCH ACTION IN THE MANNER PROVIDED BY LAW. ANY PENALTY TAX IMPOSED PURSUANT TO THIS SUBDIVISION SHALL BE RETAINED BY THE ASSESSING UNIT.

(C) ADDITIONAL CONSEQUENCES. A PENALTY TAX MAY BE IMPOSED PURSUANT TO THIS SUBDIVISION WHETHER OR NOT THE IMPROPER EXEMPTION HAS BEEN REVOKED IN THE MANNER PROVIDED BY THIS SECTION. IN ADDITION, A PERSON OR PERSONS WHO ARE FOUND TO HAVE MADE A MATERIAL MISSTATEMENT SHALL BE DISQUALIFIED FROM FURTHER EXEMPTION PURSUANT TO THIS SECTION FOR A PERIOD OF FIVE YEARS, AND MAY BE SUBJECT TO PROSECUTION PURSUANT TO THE PENAL LAW.

13. INCONSISTENT LAWS SUPERSEDED. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL SCHOOL DISTRICTS, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

S 2. This act shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after the first of January next succeeding the date on which this act shall have become a law.