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I N   S E N A T E

February 23, 2012

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Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the real property tax law, in relation to real property tax exemptions for property in cities having a population of one million or more and owned by certain veterans or their family members

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

1     Section 1. Paragraphs 2 and 3 of subdivision 1 of section 458 of the  
2     real property tax law, paragraph 2 as amended by chapter 488 of the laws  
3     of 1998 and paragraph 3 as amended by chapter 733 of the laws of 1959,  
4     are amended to read as follows:

5     (2) Except as provided in subdivision five of this section, no such  
6     exemption on account of eligible funds paid on account of military or  
7     naval services rendered by an individual shall be allowed in excess of  
8     five thousand dollars; PROVIDED, HOWEVER, IN A CITY WITH A POPULATION OF  
9     ONE MILLION OR MORE, NO EXEMPTION ON ACCOUNT OF ANY GIFT SHALL BE  
10    ALLOWED IN EXCESS OF TWO THOUSAND DOLLARS. For the purposes of this  
11    subdivision any established exemption, or newly claimed exemption, or an  
12    aggregate thereof, as the case may be, in excess of any multiple of  
13    fifty dollars shall be regarded as being the nearest multiple of fifty  
14    dollars and allowed in such amount. If the amount of such exemption has  
15    no nearest multiple of fifty dollars, it shall be regarded as being the  
16    next higher multiple of fifty dollars and allowed in such amount. The  
17    mingling of such eligible funds with other funds or their retention by  
18    the United States for insurance premiums shall not bar the granting of a  
19    claim for such exemption.

20    (3) If the assessors are satisfied that the applicant is entitled to  
21    any exemption, they shall make appropriate entries upon the assessment-  
22    roll opposite the description of such property and subtract the total  
23    amount of such exemption from the total amount assessed pursuant to the  
24    provisions of paragraph one of this subdivision. Such entries shall be  
25    made and continued in each assessment of the property so long as it is  
26    exempt from taxation for any purpose. Such real property, to the extent

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

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1 of the exemption entered by the assessors, shall be exempt from state,  
2 county and general municipal taxation, but shall be taxable for local  
3 school purposes; PROVIDED, HOWEVER, IN ANY CITY WITH A POPULATION OF ONE  
4 MILLION OR MORE, SUCH REAL PROPERTY, TO THE EXTENT OF THE EXEMPTION  
5 ENTERED BY THE ASSESSORS, SHALL BE EXEMPT FROM STATE, COUNTY AND GENERAL  
6 MUNICIPAL TAXATION AND SHALL NOT BE TAXABLE FOR LOCAL SCHOOL PURPOSES.  
7 The provisions herein, relating to the assessment and exemption of prop-  
8 erty purchased with eligible funds apply and shall be enforced in each  
9 municipal corporation authorized to levy taxes.

10 S 2. Subdivision 2 of section 458 of the real property tax law, as  
11 amended by chapter 63 of the laws of 1976, is amended to read as  
12 follows:

13 2. Real property purchased with moneys collected by popular  
14 subscription in partial recognition of extraordinary services rendered  
15 by any honorably discharged veteran of world war one, world war two, or  
16 of the hostilities which commenced June twenty-seventh, nineteen hundred  
17 fifty, who sustained permanent disability while on military duty, either  
18 total or partial, and owned by the person who sustained such injuries,  
19 or by his or her spouse or unremarried surviving spouse, or dependent  
20 father or mother, is subject to taxation as herein provided. Such prop-  
21 erty shall be assessed in the same manner as other real property in the  
22 tax district. At the meeting of the assessors to hear complaints  
23 concerning the assessments, a verified application for the exemption of  
24 such real property from taxation may be presented to them by or on  
25 behalf of the owner thereof, which application must show the facts on  
26 which the exemption is claimed, including the amount of moneys so raised  
27 and used in or toward the purchase of such property. No exemption on  
28 account of any such gift shall be allowed in excess of five thousand  
29 dollars; PROVIDED, HOWEVER, IN ANY CITY WITH A POPULATION OF ONE MILLION  
30 OR MORE, NO EXEMPTION ON ACCOUNT OF ANY GIFT SHALL BE ALLOWED IN EXCESS  
31 OF TWO THOUSAND DOLLARS. The application for exemption shall be  
32 presented and action thereon taken in the manner provided by subdivision  
33 one of this section. If no application for exemption be granted, the  
34 property shall be subject to taxation for all purposes. The provisions  
35 herein, relating to the assessment and exemption of property purchased  
36 with moneys raised by popular subscription, apply and shall be enforced  
37 in each municipal corporation authorized to levy taxes.

38 S 3. Subdivision 2 of section 458-a of the real property tax law, as  
39 added by chapter 525 of the laws of 1984, paragraph (a) as amended by  
40 chapter 899 of the laws of 1985, paragraph (b) as amended by chapter 473  
41 of the laws of 2004, paragraph (c) as amended by chapter 100 of the laws  
42 of 1988, subparagraph (ii) of paragraph (d) as amended by chapter 256 of  
43 the laws of 2005 and as further amended by subdivision (b) of section 1  
44 of part W of chapter 56 of the laws of 2010, is amended to read as  
45 follows:

46 2. (a) Qualifying residential real property shall be exempt from taxa-  
47 tion to the extent of fifteen percent of the assessed value of such  
48 property; provided, however, that such exemption shall not exceed twelve  
49 thousand dollars or the product of twelve thousand dollars multiplied by  
50 the latest state equalization rate for the assessing unit, or in the  
51 case of a special assessing unit, the latest class ratio, whichever is  
52 less; PROVIDED, HOWEVER, IN ANY CITY WITH A POPULATION OF ONE MILLION OR  
53 MORE, QUALIFYING RESIDENTIAL REAL PROPERTY SHALL BE EXEMPT FROM TAXATION  
54 TO THE EXTENT OF SIX PERCENT OF THE ASSESSED VALUE OF SUCH PROPERTY;  
55 PROVIDED, FURTHER, THAT SUCH EXEMPTION SHALL NOT EXCEED FOUR THOUSAND

1 EIGHT HUNDRED DOLLARS OR THE PRODUCT OF FOUR THOUSAND EIGHT HUNDRED  
2 DOLLARS MULTIPLIED BY THE LATEST CLASS RATIO, WHICHEVER IS LESS.

3 (b) In addition to the exemption provided by paragraph (a) of this  
4 subdivision, where the veteran served in a combat theatre or combat zone  
5 of operations, as documented by the award of a United States campaign  
6 ribbon or service medal, or the armed forces expeditionary medal, navy  
7 expeditionary medal, marine corps expeditionary medal, or global war on  
8 terrorism expeditionary medal, qualifying residential real property also  
9 shall be exempt from taxation to the extent of ten percent of the  
10 assessed value of such property; provided, however, that such exemption  
11 shall not exceed eight thousand dollars or the product of eight thousand  
12 dollars multiplied by the latest state equalization rate for the assess-  
13 ing unit, or in the case of a special assessing unit, the class ratio,  
14 whichever is less; PROVIDED FURTHER, THAT, IN ANY CITY WITH A POPULATION  
15 OF ONE MILLION OR MORE, WHERE THE VETERAN SERVED IN A COMBAT THEATRE OR  
16 COMBAT ZONE OF OPERATIONS, AS DOCUMENTED BY THE AWARD OF A UNITED STATES  
17 CAMPAIGN RIBBON OR SERVICE MEDAL, OR THE ARMED FORCES EXPEDITIONARY  
18 MEDAL, NAVY EXPEDITIONARY MEDAL, MARINE CORPS EXPEDITIONARY MEDAL, OR  
19 GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL, QUALIFYING RESIDENTIAL REAL  
20 PROPERTY ALSO SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF FOUR  
21 PERCENT OF THE ASSESSED VALUE OF SUCH PROPERTY; PROVIDED FURTHER, THAT  
22 SUCH EXEMPTION SHALL NOT EXCEED THREE THOUSAND TWO HUNDRED DOLLARS OR  
23 THE PRODUCT OF THREE THOUSAND TWO HUNDRED DOLLARS MULTIPLIED BY THE  
24 CLASS RATIO, WHICHEVER IS LESS.

25 (c) In addition to the exemptions provided by paragraphs (a) and (b)  
26 of this subdivision, where the veteran received a compensation rating  
27 from the United States veteran's administration or from the United  
28 States department of defense because of a service connected disability,  
29 qualifying residential real property shall be exempt from taxation to  
30 the extent of the product of the assessed value of such property multi-  
31 plied by fifty percent of the veteran's disability rating; provided,  
32 however, that such exemption shall not exceed forty thousand dollars or  
33 the product of forty thousand dollars multiplied by the latest state  
34 equalization rate for the assessing unit, or in the case of a special  
35 assessing unit, the latest class ratio, whichever is less. For purposes  
36 of this paragraph, where a person who served in the active military,  
37 naval or air service during a period of war died in service of a service  
38 connected disability, such person shall be deemed to have been assigned  
39 a compensation rating of one hundred percent; PROVIDED, HOWEVER, IN ANY  
40 CITY WITH A POPULATION OF ONE MILLION OR MORE, IN ADDITION TO THE  
41 EXEMPTIONS PROVIDED BY PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION, WHERE  
42 THE VETERAN RECEIVED A COMPENSATION RATING FROM THE UNITED STATES VETER-  
43 AN'S ADMINISTRATION OR FROM THE UNITED STATES DEPARTMENT OF DEFENSE  
44 BECAUSE OF A SERVICE CONNECTED DISABILITY, QUALIFYING RESIDENTIAL REAL  
45 PROPERTY SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF THE PRODUCT OF  
46 THE ASSESSED VALUE OF SUCH PROPERTY MULTIPLIED BY TWENTY PERCENT OF THE  
47 VETERAN'S DISABILITY RATING; PROVIDED FURTHER, THAT SUCH EXEMPTION SHALL  
48 NOT EXCEED SIXTEEN THOUSAND DOLLARS OR THE PRODUCT OF SIXTEEN THOUSAND  
49 DOLLARS MULTIPLIED BY THE LATEST CLASS RATIO, WHICHEVER IS LESS.

50 (d) Limitations. (i) The exemption from taxation provided by this  
51 subdivision shall be applicable to county, city, town and village taxa-  
52 tion, but shall not be applicable to taxes levied for school purposes;  
53 PROVIDED, HOWEVER, IN ANY CITY WITH A POPULATION OF ONE MILLION OR MORE,  
54 THE EXEMPTION FROM TAXATION PROVIDED BY THIS SUBDIVISION SHALL BE APPLI-  
55 CABLE TO CITY TAXES AND TAXES LEVIED FOR LOCAL SCHOOL PURPOSES.

(ii) Each county, city, town or village may adopt a local law to reduce the maximum exemption allowable in paragraphs (a), (b) and (c) of this subdivision to nine thousand dollars, six thousand dollars and thirty thousand dollars, respectively, or six thousand dollars, four thousand dollars and twenty thousand dollars, respectively. Each county, city, town, or village is also authorized to adopt a local law to increase the maximum exemption allowable in paragraphs (a), (b) and (c) of this subdivision to fifteen thousand dollars, ten thousand dollars and fifty thousand dollars, respectively; eighteen thousand dollars, twelve thousand dollars and sixty thousand dollars, respectively; twenty-one thousand dollars, fourteen thousand dollars, and seventy thousand dollars, respectively; twenty-four thousand dollars, sixteen thousand dollars, and eighty thousand dollars, respectively; twenty-seven thousand dollars, eighteen thousand dollars, and ninety thousand dollars, respectively; thirty thousand dollars, twenty thousand dollars, and one hundred thousand dollars, respectively; thirty-three thousand dollars, twenty-two thousand dollars, and one hundred ten thousand dollars, respectively; thirty-six thousand dollars, twenty-four thousand dollars, and one hundred twenty thousand dollars, respectively. In addition, a county, city, town or village which is a "high-appreciation municipality" as defined in this subparagraph is authorized to adopt a local law to increase the maximum exemption allowable in paragraphs (a), (b) and (c) of this subdivision to thirty-nine thousand dollars, twenty-six thousand dollars, and one hundred thirty thousand dollars, respectively; forty-two thousand dollars, twenty-eight thousand dollars, and one hundred forty thousand dollars, respectively; forty-five thousand dollars, thirty thousand dollars and one hundred fifty thousand dollars, respectively; forty-eight thousand dollars, thirty-two thousand dollars and one hundred sixty thousand dollars, respectively; fifty-one thousand dollars, thirty-four thousand dollars and one hundred seventy thousand dollars, respectively; fifty-four thousand dollars, thirty-six thousand dollars and one hundred eighty thousand dollars, respectively; PROVIDED, HOWEVER, A HIGH APPRECIATION MUNICIPALITY THAT IS A SPECIAL ASSESSING UNIT THAT IS A CITY WITH A POPULATION OF ONE MILLION OR MORE, IS AUTHORIZED TO ADOPT A LOCAL LAW TO INCREASE THE MAXIMUM EXEMPTION ALLOWABLE IN PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVISION TO FIFTEEN THOUSAND SIX HUNDRED DOLLARS, TEN THOUSAND FOUR HUNDRED DOLLARS, AND FIFTY-TWO THOUSAND DOLLARS, RESPECTIVELY; SIXTEEN THOUSAND EIGHT HUNDRED DOLLARS, ELEVEN THOUSAND TWO HUNDRED DOLLARS, AND FIFTY-SIX THOUSAND DOLLARS, RESPECTIVELY; EIGHTEEN THOUSAND DOLLARS, TWELVE THOUSAND DOLLARS, AND SIXTY THOUSAND DOLLARS, RESPECTIVELY; NINETEEN THOUSAND TWO HUNDRED DOLLARS, TWELVE THOUSAND EIGHT HUNDRED DOLLARS, AND SIXTY-FOUR THOUSAND DOLLARS, RESPECTIVELY; TWENTY THOUSAND FOUR HUNDRED DOLLARS, THIRTEEN THOUSAND SIX HUNDRED DOLLARS, AND SIXTY-EIGHT THOUSAND DOLLARS, RESPECTIVELY; TWENTY-ONE THOUSAND SIX HUNDRED DOLLARS, FOURTEEN THOUSAND FOUR HUNDRED DOLLARS, AND SEVENTY-TWO THOUSAND DOLLARS, RESPECTIVELY. For purposes of this subparagraph, a "high-appreciation municipality" means: (A) a special assessing unit that is a city, (B) a county for which the commissioner has established a sales price differential factor for purposes of the STAR exemption authorized by section four hundred twenty-five of this title in three consecutive years, and (C) a city, town or village which is wholly or partly located within such a county.

S 4. An exemption granted pursuant to section 458 or 458-a of the real property tax law that precedes the effective date of this act shall be calculated on subsequent assessment rolls as if the original exemption

1 had been granted pursuant to the provisions of such section, as amended  
2 by this act.  
3 S 5. This act shall take effect immediately and apply to assessment  
4 rolls based upon the taxable status date occurring on or after the fifth  
5 day of January next succeeding the date on which it shall have become a  
6 law.