

7704

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 31, 2013

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Introduced by M. of A. RAMOS -- read once and referred to the Committee  
on Veterans' Affairs

AN ACT to amend the real property tax law, in relation to the alterna-  
tive veterans property tax exemption

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

1     Section 1. Subdivision 1 of section 458-a of the real property tax  
2     law is amended by adding a new paragraph (h) to read as follows:  
3     (H) "ACTIVE MILITARY SERVICE OF THE UNITED STATES" AND "IN THE ARMED  
4     FORCES OF THE UNITED STATES" SHALL MEAN FULL-TIME DUTY IN THE ARMY, NAVY  
5     (INCLUDING MARINE CORPS), AIR FORCE OR COAST GUARD OF THE UNITED STATES.  
6     S 2. Paragraphs (c) and (d) of subdivision 1, paragraphs (b) and (c)  
7     of subdivision 2, subdivision 3, paragraph (a) of subdivision 6 and  
8     subdivision 8 of section 458-a of the real property tax law, paragraph  
9     (c) of subdivision 1 and paragraph (c) of subdivision 2 as amended by  
10    chapter 100 of the laws of 1988, paragraph (d) of subdivision 1 as  
11    amended by chapter 899 of the laws of 1985, paragraph (b) of subdivision  
12    2 as amended by chapter 473 of the laws of 2004, subdivision 3 as  
13    amended by chapter 646 of the laws of 2004 and as further amended by  
14    section 1 of part W of chapter 56 of the laws of 2010, paragraph (a) of  
15    subdivision 6 as added by chapter 171 of the laws of 1997 and subdivi-  
16    sion 8 as amended by chapter 503 of the laws of 2008, are amended to  
17    read as follows:  
18    (c) "Qualified owner" means a veteran, A PERSON ENGAGED IN ACTIVE  
19    MILITARY SERVICE OF THE UNITED STATES, the spouse of a veteran, THE  
20    SPOUSE OF A PERSON ENGAGED IN ACTIVE MILITARY SERVICE OF THE UNITED  
21    STATES or the unremarried surviving spouse of a veteran. Where property  
22    is owned by more than one qualified owner, the exemption to which each  
23    is entitled may be combined. Where a veteran OR A PERSON ENGAGED IN  
24    ACTIVE MILITARY SERVICE OF THE UNITED STATES is also the unremarried

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

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1 surviving spouse of a veteran, such person may also receive any  
2 exemption to which the deceased spouse was entitled.

3 (d) "Qualifying residential real property" means property owned by a  
4 qualified owner which is used exclusively for residential purposes;  
5 provided however, that in the event any portion of such property is not  
6 so used exclusively for residential purposes but is used for other  
7 purposes, such portion shall be subject to taxation and the remaining  
8 portion only shall be entitled to the exemption provided by this  
9 section. Such property must be the primary residence of the veteran, A  
10 PERSON ENGAGED IN ACTIVE MILITARY SERVICE OF THE UNITED STATES or unre-  
11 married surviving spouse of the veteran, unless the veteran, A PERSON  
12 ENGAGED IN ACTIVE MILITARY SERVICE OF THE UNITED STATES or unremarried  
13 surviving spouse is absent from the property due to medical reasons or  
14 institutionalization. In the event the veteran OR A PERSON ENGAGED IN  
15 ACTIVE MILITARY SERVICE OF THE UNITED STATES dies and there is no unre-  
16 married surviving spouse, "qualifying residential real property" shall  
17 mean the primary residence owned by a qualified owner prior to death,  
18 provided that the title to the property becomes vested in the dependent  
19 father or mother or dependent child or children under twenty-one years  
20 of age of a veteran by virtue of devise by or descent from the deceased  
21 qualified owner, provided that the property is the primary residence of  
22 one or all of the devisees.

23 (b) In addition to the exemption provided by paragraph (a) of this  
24 subdivision, where (I) the veteran served in a combat theatre or combat  
25 zone of operations, as documented by the award of a United States  
26 campaign ribbon or service medal, or the armed forces expeditionary  
27 medal, navy expeditionary medal, marine corps expeditionary medal, or  
28 global war on terrorism expeditionary medal, OR (II) THE PERSON ENGAGED  
29 IN THE ACTIVE MILITARY SERVICE OF THE UNITED STATES CURRENTLY SERVES IN  
30 A COMBAT THEATRE OR COMBAT ZONE OF OPERATIONS, qualifying residential  
31 real property also shall be exempt from taxation to the extent of ten  
32 percent of the assessed value of such property; provided, however, that  
33 such exemption shall not exceed eight thousand dollars or the product of  
34 eight thousand dollars multiplied by the latest state equalization rate  
35 for the assessing unit, or in the case of a special assessing unit, the  
36 class ratio, whichever is less.

37 (c) In addition to the exemptions provided by paragraphs (a) and (b)  
38 of this subdivision, where the veteran OR PERSON ENGAGED IN ACTIVE MILI-  
39 TARY SERVICE OF THE UNITED STATES received a compensation rating from  
40 the United States veteran's administration or from the United States  
41 department of defense because of a service connected disability, quali-  
42 fying residential real property shall be exempt from taxation to the  
43 extent of the product of the assessed value of such property multiplied  
44 by fifty percent of the veteran's OR INDIVIDUAL'S ENGAGED IN ACTIVE  
45 MILITARY SERVICE OF THE UNITED STATES disability rating; provided,  
46 however, that such exemption shall not exceed forty thousand dollars or  
47 the product of forty thousand dollars multiplied by the latest state  
48 equalization rate for the assessing unit, or in the case of a special  
49 assessing unit, the latest class ratio, whichever is less. For purposes  
50 of this paragraph, where a person who served in the active military,  
51 naval or air service during a period of war died in service of a service  
52 connected disability, such person shall be deemed to have been assigned  
53 a compensation rating of one hundred percent.

54 3. Application for exemption must be made by the owner, or all of the  
55 owners, of the property on a form prescribed by the commissioner. The  
56 owner or owners shall file the completed form in the assessor's office

1 on or before the appropriate taxable status date. The exemption shall  
2 continue in full force and effect for all appropriate subsequent tax  
3 years and the owner or owners of the property shall not be required to  
4 refile each year, PROVIDED, HOWEVER, THAT INDIVIDUALS ENGAGED IN ACTIVE  
5 MILITARY SERVICE OF THE UNITED STATES SHALL BE REQUIRED TO REFILE SUCH  
6 MEMBER'S STATEMENT OF SERVICE OR A COPY OF SUCH MEMBER'S ACTIVE DUTY  
7 ORDERS ANNUALLY. Applicants shall be required to refile on or before  
8 the appropriate taxable status date if the percentage of disability  
9 percentage increases or decreases or may refile if other changes have  
10 occurred which affect qualification for an increased or decreased amount  
11 of exemption. Any applicant convicted of making any willful false state-  
12 ment in the application for such exemption shall be subject to the  
13 penalties prescribed in the penal law.

14 (a) For the purposes of this section, title to that portion of real  
15 property owned by a cooperative apartment corporation in which a  
16 tenant-stockholder of such corporation resides and which is represented  
17 by his OR HER share or shares of stock in such corporation as determined  
18 by its or their proportional relationship to the total outstanding stock  
19 of the corporation, including that owned by the corporation, shall be  
20 deemed to be vested in such tenant-stockholder.

21 8. Notwithstanding the provisions of paragraph (c) of subdivision one  
22 of this section and subdivision three of this section, the governing  
23 body of any municipality may, after public hearing, adopt a local law,  
24 ordinance or resolution providing that where a veteran, A PERSON ENGAGED  
25 IN ACTIVE MILITARY SERVICE OF THE UNITED STATES, the spouse of the  
26 veteran, THE SPOUSE OF A PERSON ENGAGED IN ACTIVE MILITARY SERVICE OF  
27 THE UNITED STATES or unremarried surviving spouse already receiving an  
28 exemption pursuant to this section sells the property receiving the  
29 exemption and purchases property within the same city, town or village,  
30 the assessor shall transfer and prorate, for the remainder of the fiscal  
31 year, the exemption received. The prorated exemption shall be based upon  
32 the date the veteran, A PERSON ENGAGED IN ACTIVE MILITARY SERVICE OF THE  
33 UNITED STATES, the spouse of the veteran, THE SPOUSE OF A PERSON ENGAGED  
34 IN ACTIVE MILITARY SERVICE OF THE UNITED STATES or unremarried surviving  
35 spouse obtains title to the new property and shall be calculated by  
36 multiplying the tax rate or rates for each municipal corporation which  
37 levied taxes, or for which taxes were levied, on the appropriate tax  
38 roll used for the fiscal year or years during which the transfer  
39 occurred times the previously granted exempt amount times the fraction  
40 of each fiscal year or years remaining subsequent to the transfer of  
41 title. Nothing in this section shall be construed to remove the require-  
42 ment that any such veteran, A PERSON ENGAGED IN ACTIVE MILITARY SERVICE  
43 OF THE UNITED STATES, the spouse of the veteran, SPOUSE OF A PERSON  
44 ENGAGED IN ACTIVE MILITARY SERVICE OF THE UNITED STATES or unremarried  
45 surviving spouse transferring an exemption pursuant to this subdivision  
46 shall reapply for the exemption authorized pursuant to this section on  
47 or before the following taxable status date, in the event such veteran,  
48 A PERSON ENGAGED IN ACTIVE MILITARY SERVICE OF THE UNITED STATES, the  
49 spouse of the veteran, SPOUSE OF A PERSON ENGAGED IN ACTIVE MILITARY  
50 SERVICE OF THE UNITED STATES or unremarried surviving spouse wishes to  
51 receive the exemption in future fiscal years.

52 S 3. This act shall take effect on the first of January next succeed-  
53 ing the date upon which it shall have become a law and shall apply to  
54 assessment rolls prepared on the basis of taxable status dates occurring  
55 on or after such effective date.