

S. 7850--A

A. 10099--A

S E N A T E - A S S E M B L Y

June 13, 2014

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Thiele) -- read once and referred to the Committee on Aging -- 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 authorizing a tax exemption for senior citizen tenants residing in manufactured home parks in certain municipal corporations and school districts

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-i to read as follows:
3 S 467-I. TENANTS SIXTY-FIVE YEARS OF AGE OR OVER WITHIN MANUFACTURED
4 HOME PARKS. 1. ANY MUNICIPAL CORPORATION OR SCHOOL DISTRICT WITHIN A
5 COUNTY WITH A POPULATION BETWEEN ONE MILLION FOUR HUNDRED NINETY THOU-
6 SAND AND ONE MILLION FIVE HUNDRED THOUSAND BASED UPON THE LATEST DECEN-
7 NIAL FEDERAL CENSUS SHALL BE AUTHORIZED TO PROVIDE A SENIOR CITIZEN TAX
8 EXEMPTION PROGRAM FOR SENIOR CITIZENS RESIDING WITHIN MANUFACTURED
9 HOMES, AS DEFINED BY SECTION TWO HUNDRED THIRTY-THREE OF THE REAL PROP-
10 ERTY LAW, WITHIN SUCH COUNTY, AFTER A PUBLIC HEARING THEREON, AND UPON
11 THE ADOPTION OF A LOCAL LAW OR ORDINANCE, OR FOR A SCHOOL DISTRICT UPON
12 THE ADOPTION OF A RESOLUTION, PROVIDING THEREFOR. SUCH PROGRAMS SHALL
13 APPLY TO SENIOR CITIZENS SIXTY-FIVE YEARS OF AGE OR OVER, AS DEFINED IN
14 PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF
15 THIS TITLE, WHO RESIDE IN A MANUFACTURED HOME LOCATED ON LAND FOR WHICH
16 RESIDENTIAL RENT IS PAID AND WHOSE COMBINED INCOME DOES NOT EXCEED THE
17 INCOME STANDARD SET FORTH IN PARAGRAPH (B) OF SUBDIVISION FOUR OF
18 SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE AND WITHIN ANY ADDITIONAL
19 SPECIFIED LIMITS AS FURTHER ESTABLISHED BY SUCH LAW OR LOCAL ORDINANCE.
20 SUCH TAX EXEMPTION SHALL INCLUDE A PROPORTIONAL SHARE OF THE INCREASE IN

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

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1 ANNUAL TAXES LEVIED UPON BUILDINGS AND LAND WITHIN SUCH PARK. THIS
2 AMOUNT SHALL BE CALCULATED BASED UPON THE PERCENTAGE THAT THE NUMBER OF
3 HOMES QUALIFYING UNDER THIS SECTION BEARS TO THE TOTAL LOTS WITHIN SUCH
4 PARK WHICH SHALL BE MULTIPLIED BY THE OVERALL ANNUAL TAX INCREASE ON
5 BUILDINGS AND LAND CONSTITUTING THE COMMON AREAS OF SUCH PARK.

6 2. THE ELIGIBLE SENIOR CITIZEN SHALL APPLY EACH YEAR TO QUALIFY FOR
7 THE EXEMPTION, PRIOR TO THE TAXABLE STATUS DATE PRESCRIBED BY LAW, TO
8 THE APPROPRIATE LOCAL ASSESSOR FOR A TAX EXEMPTION CERTIFICATE, ON A
9 FORM PRESCRIBED BY THE COMMISSIONER. IN ORDER TO RECEIVE SUCH
10 EXEMPTION, EACH APPLICANT MUST SUBMIT, AS PART OF THE APPLICATION PROC-
11 ESS, AN ACCESSORY AGREEMENT SIGNED BY HIS OR HER MANUFACTURED HOME PARK
12 LANDLORD, ATTESTING TO THE LANDLORD'S WILLINGNESS TO PARTICIPATE IN THE
13 PROGRAM. SUCH AGREEMENT SHALL INCLUDE THE LANDLORD'S RESPONSIBILITIES TO
14 (A) REDUCE THE TENANT'S RENT ON A MONTHLY BASIS BY ONE-TWELFTH OF THE
15 AMOUNT OF THE ANNUAL EXEMPTION GRANTED, (B) REIMBURSE, TO THE RECEIVER
16 OF TAXES OF THE MUNICIPAL CORPORATION WHICH GRANTED THE EXEMPTION, A
17 PRO-RATED PORTION OF THE TAX EXEMPTION IF HIS OR HER QUALIFYING TENANT
18 SHOULD MOVE DURING THE TAXABLE PERIOD, AND (C) PERMIT ALL QUALIFYING
19 TENANTS TO PARTICIPATE IN THE PROGRAM.

20 3. A TAX EXEMPTION CERTIFICATE ESTABLISHING THE AMOUNT OF EXEMPTION
21 FOR THE TAXABLE PERIOD SHALL BE ISSUED TO EACH SENIOR CITIZEN WHO IS
22 ELIGIBLE BY THE RESPECTIVE LOCAL ASSESSOR UPON REQUEST. COPIES OF THE
23 CERTIFICATE SHALL BE ISSUED TO THE OWNER OF THE REAL PROPERTY CONTAINING
24 THE MANUFACTURED HOME OF THE SENIOR CITIZEN AND TO THE RECEIVER OF TAXES
25 OF EACH MUNICIPALITY WHICH HAS GRANTED THE EXEMPTION OF TAXES. THE
26 EXEMPTION FOR THE TAX PERIOD SET IN THE TAX EXEMPTION CERTIFICATE SHALL
27 BE DEDUCTED FROM THE TOTAL TAXES LEVIED BY THE MUNICIPALITY WHICH GRANT-
28 ED THE EXEMPTION ON REAL PROPERTY CONTAINING THE MANUFACTURED HOME.

29 4. ANY CONVICTION OF HAVING MADE A WILLFUL FALSE STATEMENT IN THE
30 APPLICATION FOR EXEMPTION PURSUANT TO THIS SECTION SHALL BE PUNISHABLE
31 BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS AND SHALL DISQUALIFY THE
32 APPLICANT SENIOR CITIZEN AND/OR HOMEOWNER FROM FURTHER EXEMPTIONS FOR A
33 PERIOD OF FIVE YEARS.

34 5. THE PROVISIONS OF THIS SECTION SHALL BE APPLICABLE TO ALL MANUFAC-
35 TURED HOME UNITS WITHIN A MANUFACTURED HOME PARK WHICH COMPLY WITH ALL
36 RELEVANT HOUSING CODES, LOCAL LAWS OR ORDINANCES.

37 6. ANY MUNICIPAL CORPORATION OR SCHOOL DISTRICT WITHIN A COUNTY WITH A
38 POPULATION BETWEEN ONE MILLION FOUR HUNDRED NINETY THOUSAND AND ONE
39 MILLION FIVE HUNDRED THOUSAND BASED UPON THE LATEST DECENNIAL FEDERAL
40 CENSUS THAT ADOPTS SUCH PROGRAM FOR SENIOR CITIZENS RESIDING IN A MANU-
41 FACTURED HOME PARK SHALL RECEIVE REIMBURSEMENT FOR THE COST OF ADMINIS-
42 TERING THE PROGRAM FROM THE STATE OF NEW YORK.

43 S 2. This act shall take effect January 1, 2015 and shall apply to
44 real property having a taxable status date on or after such effective
45 date.