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

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2013-2014 Regular Sessions

I N A S S E M B L Y

January 30, 2013

Introduced by M. of A. McLAUGHLIN, RA, GIGLIO, GRAF, BLANKENBUSH, MONTESANO -- Multi-Sponsored by -- M. of A. ARROYO, CERETTO, CURRAN, FINCH, RAIA, SALADINO, THIELE -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to providing for a fixed real property assessed value for residential real property owned by certain persons sixty-five years of age or older, and providing state reimbursement to municipalities for lost real property tax revenue

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 a new section 431 to read as follows:

S 431. PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER; FIXED REAL PROPERTY ASSESSED VALUE. 1. RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED AS THE PRIMARY RESIDENCE, FOR TEN OR MORE CONSECUTIVE YEARS, OF ONE OR MORE PERSONS, EACH OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OLDER AND ALL OF WHOM HAVE A COMBINED ANNUAL INCOME OF ONE HUNDRED THOUSAND DOLLARS OR LESS FOR THE INCOME TAX YEAR IMMEDIATELY PRECEDING THE DATE OF APPLICATION WHEN THE REAL PROPERTY TAXES ON SUCH RESIDENTIAL REAL PROPERTY EQUALS OR EXCEEDS SIX PERCENT OF SUCH PERSONS' COMBINED ANNUAL INCOME, OR RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED AS THE PRIMARY RESIDENCE, FOR TEN OR MORE CONSECUTIVE YEARS, OF A HUSBAND AND WIFE, ONE OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OLDER AND BOTH OF WHOM HAVE A COMBINED ANNUAL INCOME OF ONE HUNDRED THOUSAND DOLLARS OR LESS FOR THE INCOME TAX YEAR IMMEDIATELY PRECEDING THE DATE OF APPLICATION WHEN THE REAL PROPERTY TAXES ON SUCH RESIDENTIAL REAL PROPERTY EQUALS OR EXCEEDS SIX PERCENT OF SUCH HUSBAND'S AND WIFE'S COMBINED ANNUAL INCOME, SHALL BE ELIGIBLE FOR THE FIXED REAL PROPERTY ASSESSED VALUE ESTABLISHED BY THIS SECTION.

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

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2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "FIXED REAL PROPERTY ASSESSED VALUE" SHALL MEAN THE LOWER OF:

(I) THE ASSESSED VALUE OF REAL PROPERTY ESTABLISHED ON THE TAXABLE STATUS DATE NEXT SUCCEEDING THE DATE ON WHICH AN ELIGIBLE REAL PROPERTY OWNER ATTAINS THE AGE OF SIXTY-FIVE YEARS; OR

(II) THE ASSESSED VALUE OF REAL PROPERTY ESTABLISHED ON ANY TAXABLE STATUS DATE SUBSEQUENT TO THE DATE UPON WHICH AN ELIGIBLE REAL PROPERTY OWNER ATTAINS THE AGE OF SIXTY-FIVE YEARS, WHICH IS LOWER THAN THE ASSESSED VALUE ESTABLISHED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(B) "RESIDENTIAL REAL PROPERTY" SHALL MEAN ANY ONE OR TWO FAMILY DWELLING, INCLUDING CONDOMINIUM UNITS AND COOPERATIVE UNITS.

3. EACH TAXING AUTHORITY SHALL ANNUALLY DETERMINE THE FIXED REAL PROPERTY ASSESSED VALUE FOR EACH ELIGIBLE REAL PROPERTY OWNER.

4. ANY PERSON ELIGIBLE FOR THE FIXED REAL PROPERTY ASSESSED VALUE SHALL ANNUALLY APPLY TO THE APPROPRIATE ASSESSING UNIT FOR SUCH FIXED ASSESSED VALUE. SUCH APPLICATION SHALL BE MADE IN SUCH MANNER AND FORM AS SHALL BE DETERMINED BY THE COMMISSIONER, AND SHALL REQUIRE PROOF OF THE APPLICANTS' AGES AND INCOMES. SUCH APPLICATIONS SHALL BE FILED ON OR BEFORE THE TAXABLE STATUS DATE OF THE REAL PROPERTY.

5. EVERY ASSESSING UNIT SHALL NOTIFY OR CAUSE TO BE NOTIFIED, EACH PERSON OWNING RESIDENTIAL REAL PROPERTY WITHIN ITS JURISDICTION, OF THE PROVISIONS OF THIS SECTION. SUCH NOTICE SHALL BE AND INCLUDE WORDS WHICH ARE SUBSTANTIALLY THE FOLLOWING: "RESIDENTIAL REAL PROPERTY OWNED BY PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER AND HAVING A COMBINED ANNUAL INCOME OF ONE HUNDRED THOUSAND DOLLARS OR LESS, WHEN THE REAL PROPERTY TAXES ON SUCH PROPERTY EQUAL OR EXCEED SIX PERCENT OF THE COMBINED ANNUAL INCOME OF THE OWNERS, MAY BE ELIGIBLE FOR A FIXED REAL PROPERTY ASSESSED VALUE. TO RECEIVE SUCH FIXED ASSESSED VALUE, ELIGIBLE OWNERS OF QUALIFYING REAL PROPERTY MUST FILE AN APPLICATION WITH THEIR LOCAL ASSESSOR ON OR BEFORE THE TAXABLE STATUS DATE. FOR FURTHER INFORMATION, PLEASE CONTACT YOUR LOCAL ASSESSOR."

S 2. The real property tax law is amended by adding a new section 901 to read as follows:

S 901. EFFECT OF FIXED REAL PROPERTY ASSESSED VALUE UPON TAXING AUTHORITIES; STATE AID. 1. LEVY OF TAXES; DETERMINATION OF TAXES DUE. THE AMOUNT OF TAXES TO BE LEVIED FOR ANY TAXABLE YEAR SHALL BE DETERMINED WITHOUT REGARD TO THE FACT THAT STATE AID WILL BE PAYABLE PURSUANT TO THIS SECTION. IN ADDITION, THE TAX RATE FOR ANY TAXABLE YEAR SHALL BE DETERMINED AS IF NO PARCELS ARE SUBJECT TO A FIXED REAL PROPERTY ASSESSED VALUE PURSUANT TO SECTION FOUR HUNDRED THIRTY-ONE OF THIS CHAPTER. HOWEVER, THE TAX RATE SO DETERMINED SHALL BE APPLIED TO THE TAXABLE ASSESSED VALUE OF EACH PARCEL AFTER ACCOUNTING FOR ALL APPLICABLE EXEMPTIONS.

2. TAX SAVINGS. THE TAX SAVINGS FOR EACH PARCEL SUBJECT TO A FIXED REAL PROPERTY ASSESSED VALUE PURSUANT TO SECTION FOUR HUNDRED THIRTY-ONE OF THIS CHAPTER SHALL BE COMPUTED BY SUBTRACTING THE AMOUNT ACTUALLY LEVIED AGAINST THE PARCEL FROM THE AMOUNT THAT WOULD HAVE BEEN LEVIED IF NOT FOR THE FIXED REAL PROPERTY ASSESSED VALUE. A STATEMENT SHALL THEN BE PLACED ON THE TAX BILL FOR THE PARCEL IN SUBSTANTIALLY THE FOLLOWING FORM: "YOUR TAX SAVINGS THIS YEAR RESULTING FROM THE FIXED REAL PROPERTY ASSESSED VALUE IS $____."

3. STATE AID. (A) THE TOTAL TAX SAVINGS DULY PROVIDED BY EACH TAXING AUTHORITY PURSUANT TO THIS SECTION SHALL BE A STATE CHARGE, WHICH SHALL BE PAYABLE AS PROVIDED IN THIS SUBDIVISION.

(B) A TAXING AUTHORITY SEEKING STATE AID PURSUANT TO THIS SECTION SHALL SUBMIT AN APPLICATION THEREFOR TO THE COMMISSIONER. THE APPLICATION SHALL INCLUDE SUCH INFORMATION AS THE COMMISSIONER SHALL REQUIRE. IN ADDITION, EACH TAXING AUTHORITY SHALL FILE A COPY OF SUCH APPLICATION WITH THE COUNTY CLERK OF THE COUNTY IN WHICH AN ELIGIBLE PARCEL IS SITUATE.

(C) UPON APPROVING AN APPLICATION FOR STATE AID PURSUANT TO THIS SECTION, THE COMMISSIONER SHALL COMPUTE AND CERTIFY THE AMOUNTS PAYABLE TO THE TAXING AUTHORITY. SUCH STATE AID SHALL BE PAYABLE UPON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER FROM VOUCHERS CERTIFIED AND APPROVED BY THE COMMISSIONER.

(D) THE COMMISSIONER MAY AUDIT AN APPLICATION FOR STATE AID PURSUANT TO THIS SECTION WITHIN ONE YEAR AFTER AUTHORIZING PAYMENT THEREON. IF THE COMMISSIONER SHOULD DISCOVER THAT A TAXING AUTHORITY HAS RECEIVED A GREATER OR LESSER AMOUNT OF SUCH AID THAN IT SHOULD HAVE RECEIVED, THE COMMISSIONER SHALL SO NOTIFY THE TAXING AUTHORITY, AND SHALL CAUSE THE NEXT PAYMENT OF SUCH AID TO THE TAXING AUTHORITY TO BE ADJUSTED ACCORDINGLY.

4. INSTALLMENT PAYMENTS. WHEN REAL PROPERTY TAXES ARE PAYABLE IN INSTALLMENTS PURSUANT TO LAW, THE TAX SAVINGS PROVIDED BY THIS SECTION SHALL BE APPLIED PROPORTIONALLY AGAINST THE RESPECTIVE INSTALLMENTS.

5. UNTIMELY PAYMENT OF TAXES. WHEN TAXES ON A PROPERTY SUBJECT TO A FIXED REAL PROPERTY ASSESSED VALUE PURSUANT TO SECTION FOUR HUNDRED THIRTY-ONE OF THIS CHAPTER ARE NOT PAID IN A TIMELY MANNER, INTEREST, PENALTIES AND ANY OTHER APPLICABLE CHARGES SHALL BE IMPOSED ONLY AGAINST THE BALANCE DUE AFTER THE TAX SAVINGS PROVIDED BY THIS SECTION HAVE BEEN DEDUCTED FROM THE TAXES OWED.

S 3. This act shall take effect immediately and shall apply to real property with a taxable status date after such date.