

514--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. CUSICK, GOLDFEDER, MALLIOTAKIS, COLTON, MILLER, CURRAN, SIMANOWITZ, BRAUNSTEIN -- read once and referred to the Committee on Veterans' Affairs -- recommitted to the Committee on Veterans' Affairs in accordance with Assembly Rule 3, sec. 2 -- 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 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, AN EXEMPTION ON ACCOUNT OF ELIGIBLE FUNDS PAID ON  
10    ACCOUNT OF MILITARY OR NAVAL SERVICES RENDERED BY AN INDIVIDUAL SHALL  
11    EQUAL FORTY PERCENT OF ELIGIBLE FUNDS, BUT IN NO CASE SHALL SUCH  
12    EXEMPTION BE ALLOWED IN EXCESS OF TWO THOUSAND DOLLARS. For the purposes  
13    of this subdivision any established exemption, or newly claimed  
14    exemption, or an aggregate thereof, as the case may be, in excess of any  
15    multiple of fifty dollars shall be regarded as being the nearest multi-  
16    ple of fifty dollars and allowed in such amount. If the amount of such  
17    exemption has no nearest multiple of fifty dollars, it shall be regarded  
18    as being the next higher multiple of fifty dollars and allowed in such  
19    amount. The mingling of such eligible funds with other funds or their

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

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1 retention by the United States for insurance premiums shall not bar the  
2 granting of a claim for such exemption.

3 (3) If the assessors are satisfied that the applicant is entitled to  
4 any exemption, they shall make appropriate entries upon the assessment-  
5 roll opposite the description of such property and subtract the total  
6 amount of such exemption from the total amount assessed pursuant to the  
7 provisions of paragraph one of this subdivision. Such entries shall be  
8 made and continued in each assessment of the property so long as it is  
9 exempt from taxation for any purpose. Such real property, to the extent  
10 of the exemption entered by the assessors, shall be exempt from state,  
11 county and general municipal taxation, but shall be taxable for local  
12 school purposes; PROVIDED, HOWEVER, IN ANY CITY WITH A POPULATION OF ONE  
13 MILLION OR MORE, SUCH REAL PROPERTY, TO THE EXTENT OF THE EXEMPTION  
14 ENTERED BY THE ASSESSORS, SHALL BE EXEMPT FROM STATE, COUNTY AND GENERAL  
15 MUNICIPAL TAXATION AND SHALL NOT BE TAXABLE FOR LOCAL SCHOOL PURPOSES.  
16 The provisions herein, relating to the assessment and exemption of prop-  
17 erty purchased with eligible funds apply and shall be enforced in each  
18 municipal corporation authorized to levy taxes.

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

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

47 S 3. Paragraph (a) of subdivision 1 of section 458-a of the real  
48 property tax law, as amended by chapter 179 of the laws of 2006, is  
49 amended to read as follows:

50 (a) "Period of war" means the Spanish-American war; the Mexican border  
51 period; World War I; World War II; the hostilities, known as the Korean  
52 war, which commenced June twenty-seventh, nineteen hundred fifty and  
53 terminated on January thirty-first, nineteen hundred fifty-five; the  
54 hostilities, known as the Vietnam war, which commenced February twenty-  
55 eighth, nineteen hundred sixty-one and terminated on May seventh, nine-  
56 teen hundred seventy-five; [and] the hostilities, known as the Persian

1 Gulf conflict, which commenced August second, nineteen hundred ninety;  
2 IN ANY CITY WITH A POPULATION OF ONE MILLION OR MORE, THE HOSTILITIES,  
3 KNOWN AS THE IRAQ WAR, WHICH COMMENCED MARCH, TWO THOUSAND THREE; AND IN  
4 ANY CITY WITH A POPULATION OF ONE MILLION OR MORE, THE HOSTILITIES,  
5 KNOWN AS THE AFGHANISTAN WAR, WHICH COMMENCED OCTOBER SEVENTH, TWO THOU-  
6 SAND ONE.

7 S 4. Subdivision 2 of section 458-a of the real property tax law, as  
8 added by chapter 525 of the laws of 1984, paragraph (a) as amended by  
9 chapter 899 of the laws of 1985, paragraph (b) as amended by chapter 473  
10 of the laws of 2004, paragraph (c) as amended by chapter 100 of the laws  
11 of 1988, subparagraphs (i) and (ii) of paragraph (d) as amended by chap-  
12 ter 518 of the laws of 2013, is amended to read as follows:

13 2. (a) Qualifying residential real property shall be exempt from taxa-  
14 tion to the extent of fifteen percent of the assessed value of such  
15 property; provided, however, that such exemption shall not exceed twelve  
16 thousand dollars or the product of twelve thousand dollars multiplied by  
17 the latest state equalization rate for the assessing unit, or in the  
18 case of a special assessing unit, the latest class ratio, whichever is  
19 less; PROVIDED, HOWEVER, IN ANY CITY WITH A POPULATION OF ONE MILLION OR  
20 MORE, QUALIFYING RESIDENTIAL REAL PROPERTY SHALL BE EXEMPT FROM TAXATION  
21 TO THE EXTENT OF SIX PERCENT OF THE ASSESSED VALUE OF SUCH PROPERTY;  
22 PROVIDED, FURTHER, THAT SUCH EXEMPTION SHALL NOT EXCEED FOUR THOUSAND  
23 EIGHT HUNDRED DOLLARS OR THE PRODUCT OF FOUR THOUSAND EIGHT HUNDRED  
24 DOLLARS MULTIPLIED BY THE LATEST CLASS RATIO, WHICHEVER IS LESS.

25 (b) In addition to the exemption provided by paragraph (a) of this  
26 subdivision, where the veteran served in a combat theatre or combat zone  
27 of operations, as documented by the award of a United States campaign  
28 ribbon or service medal, or the armed forces expeditionary medal, navy  
29 expeditionary medal, marine corps expeditionary medal, or global war on  
30 terrorism expeditionary medal, qualifying residential real property also  
31 shall be exempt from taxation to the extent of ten percent of the  
32 assessed value of such property; provided, however, that such exemption  
33 shall not exceed eight thousand dollars or the product of eight thousand  
34 dollars multiplied by the latest state equalization rate for the assess-  
35 ing unit, or in the case of a special assessing unit, the class ratio,  
36 whichever is less; PROVIDED FURTHER, THAT, IN ANY CITY WITH A POPULATION  
37 OF ONE MILLION OR MORE, WHERE THE VETERAN SERVED IN A COMBAT THEATRE OR  
38 COMBAT ZONE OF OPERATIONS, AS DOCUMENTED BY THE AWARD OF A UNITED STATES  
39 CAMPAIGN RIBBON OR SERVICE MEDAL, OR THE ARMED FORCES EXPEDITIONARY  
40 MEDAL, NAVY EXPEDITIONARY MEDAL, MARINE CORPS EXPEDITIONARY MEDAL, OR  
41 GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL, QUALIFYING RESIDENTIAL REAL  
42 PROPERTY ALSO SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF FOUR  
43 PERCENT OF THE ASSESSED VALUE OF SUCH PROPERTY; PROVIDED FURTHER, THAT  
44 SUCH EXEMPTION SHALL NOT EXCEED THREE THOUSAND TWO HUNDRED DOLLARS OR  
45 THE PRODUCT OF THREE THOUSAND TWO HUNDRED DOLLARS MULTIPLIED BY THE  
46 CLASS RATIO, WHICHEVER IS LESS.

47 (c) In addition to the exemptions provided by paragraphs (a) and (b)  
48 of this subdivision, where the veteran received a compensation rating  
49 from the United States veteran's administration or from the United  
50 States department of defense because of a service connected disability,  
51 qualifying residential real property shall be exempt from taxation to  
52 the extent of the product of the assessed value of such property multi-  
53 plied by fifty percent of the veteran's disability rating; provided,  
54 however, that such exemption shall not exceed forty thousand dollars or  
55 the product of forty thousand dollars multiplied by the latest state  
56 equalization rate for the assessing unit, or in the case of a special

1 assessing unit, the latest class ratio, whichever is less. For purposes  
2 of this paragraph, where a person who served in the active military,  
3 naval or air service during a period of war died in service of a service  
4 connected disability, such person shall be deemed to have been assigned  
5 a compensation rating of one hundred percent; PROVIDED, HOWEVER, IN ANY  
6 CITY WITH A POPULATION OF ONE MILLION OR MORE, IN ADDITION TO THE  
7 EXEMPTIONS PROVIDED BY PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION, WHERE  
8 THE VETERAN RECEIVED A COMPENSATION RATING FROM THE UNITED STATES VETER-  
9 AN'S ADMINISTRATION OR FROM THE UNITED STATES DEPARTMENT OF DEFENSE  
10 BECAUSE OF A SERVICE CONNECTED DISABILITY, QUALIFYING RESIDENTIAL REAL  
11 PROPERTY SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF THE PRODUCT OF  
12 THE ASSESSED VALUE OF SUCH PROPERTY MULTIPLIED BY TWENTY PERCENT OF THE  
13 VETERAN'S DISABILITY RATING; PROVIDED FURTHER, THAT SUCH EXEMPTION SHALL  
14 NOT EXCEED SIXTEEN THOUSAND DOLLARS OR THE PRODUCT OF SIXTEEN THOUSAND  
15 DOLLARS MULTIPLIED BY THE LATEST CLASS RATIO, WHICHEVER IS LESS.

16 (d) Limitations. (i) The exemption from taxation provided by this  
17 subdivision shall be applicable to county, city, town, village and  
18 school district taxation if the governing body of the school district in  
19 which the property is located, after public hearings, adopts a resol-  
20 ution providing such exemption, the procedure for such hearing and  
21 resolution shall be conducted separately from the procedure for any  
22 hearing and local law or resolution conducted pursuant to subparagraph  
23 (ii) of this paragraph, subdivision four, paragraph (d) of subdivision  
24 six and paragraph (b) of subdivision seven of this section; PROVIDED,  
25 HOWEVER, THAT IN ANY CITY WITH A POPULATION OF ONE MILLION OR MORE, THE  
26 EXEMPTION FROM TAXATION PROVIDED BY THIS SUBDIVISION SHALL BE APPLICABLE  
27 TO CITY TAXES AND TAXES LEVIED FOR LOCAL SCHOOL PURPOSES.

28 (ii) Each county, city, town, village or school district may adopt a  
29 local law to reduce the maximum exemption allowable in paragraphs (a),  
30 (b) and (c) of this subdivision to nine thousand dollars, six thousand  
31 dollars and thirty thousand dollars, respectively, or six thousand  
32 dollars, four thousand dollars and twenty thousand dollars, respective-  
33 ly. Each county, city, town, village or school district is also author-  
34 ized to adopt a local law to increase the maximum exemption allowable in  
35 paragraphs (a), (b) and (c) of this subdivision to fifteen thousand  
36 dollars, ten thousand dollars and fifty thousand dollars, respectively;  
37 eighteen thousand dollars, twelve thousand dollars and sixty thousand  
38 dollars, respectively; twenty-one thousand dollars, fourteen thousand  
39 dollars, and seventy thousand dollars, respectively; twenty-four thou-  
40 sand dollars, sixteen thousand dollars, and eighty thousand dollars,  
41 respectively; twenty-seven thousand dollars, eighteen thousand dollars,  
42 and ninety thousand dollars, respectively; thirty thousand dollars,  
43 twenty thousand dollars, and one hundred thousand dollars, respectively;  
44 thirty-three thousand dollars, twenty-two thousand dollars, and one  
45 hundred ten thousand dollars, respectively; thirty-six thousand dollars,  
46 twenty-four thousand dollars, and one hundred twenty thousand dollars,  
47 respectively. In addition, a county, city, town, village or school  
48 district which is a "high-appreciation municipality" as defined in this  
49 subparagraph is authorized to adopt a local law to increase the maximum  
50 exemption allowable in paragraphs (a), (b) and (c) of this subdivision  
51 to thirty-nine thousand dollars, twenty-six thousand dollars, and one  
52 hundred thirty thousand dollars, respectively; forty-two thousand  
53 dollars, twenty-eight thousand dollars, and one hundred forty thousand  
54 dollars, respectively; forty-five thousand dollars, thirty thousand  
55 dollars and one hundred fifty thousand dollars, respectively; forty-  
56 eight thousand dollars, thirty-two thousand dollars and one hundred

1 sixty thousand dollars, respectively; fifty-one thousand dollars, thir-  
2 ty-four thousand dollars and one hundred seventy thousand dollars,  
3 respectively; fifty-four thousand dollars, thirty-six thousand dollars  
4 and one hundred eighty thousand dollars, respectively; PROVIDED, HOWEV-  
5 ER, A HIGH APPRECIATION MUNICIPALITY THAT IS A SPECIAL ASSESSING UNIT  
6 THAT IS A CITY WITH A POPULATION OF ONE MILLION OR MORE, IS AUTHORIZED  
7 TO ADOPT A LOCAL LAW TO INCREASE THE MAXIMUM EXEMPTION ALLOWABLE IN  
8 PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVISION TO FIFTEEN THOUSAND SIX  
9 HUNDRED DOLLARS, TEN THOUSAND FOUR HUNDRED DOLLARS, AND FIFTY-TWO THOU-  
10 SAND DOLLARS, RESPECTIVELY; SIXTEEN THOUSAND EIGHT HUNDRED DOLLARS,  
11 ELEVEN THOUSAND TWO HUNDRED DOLLARS, AND FIFTY-SIX THOUSAND DOLLARS,  
12 RESPECTIVELY; EIGHTEEN THOUSAND DOLLARS, TWELVE THOUSAND DOLLARS, AND  
13 SIXTY THOUSAND DOLLARS, RESPECTIVELY; NINETEEN THOUSAND TWO HUNDRED  
14 DOLLARS, TWELVE THOUSAND EIGHT HUNDRED DOLLARS, AND SIXTY-FOUR THOUSAND  
15 DOLLARS, RESPECTIVELY; TWENTY THOUSAND FOUR HUNDRED DOLLARS, THIRTEEN  
16 THOUSAND SIX HUNDRED DOLLARS, AND SIXTY-EIGHT THOUSAND DOLLARS, RESPEC-  
17 TIVELY; TWENTY-ONE THOUSAND SIX HUNDRED DOLLARS, FOURTEEN THOUSAND FOUR  
18 HUNDRED DOLLARS, AND SEVENTY-TWO THOUSAND DOLLARS, RESPECTIVELY. For  
19 purposes of this subparagraph, a "high-appreciation municipality" means:  
20 (A) a special assessing unit that is a city, (B) a county for which the  
21 commissioner has established a sales price differential factor for  
22 purposes of the STAR exemption authorized by section four hundred twen-  
23 ty-five of this title in three consecutive years, and (C) a city, town,  
24 village or school district which is wholly or partly located within such  
25 a county.

26 S 5. An exemption granted pursuant to section 458 or 458-a of the real  
27 property tax law that precedes the effective date of this act shall be  
28 calculated on subsequent assessment rolls as if the original exemption  
29 had been granted pursuant to the provisions of such section, as amended  
30 by this act.

31 S 6. This act shall take effect immediately and apply to assessment  
32 rolls based upon the taxable status date occurring on or after the fifth  
33 day of January next succeeding the date on which it shall have become a  
34 law.