

5409--A

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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Introduced by Sen. GIPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- recommitted to the Committee on Aging in accordance with Senate Rule 6, sec. 8 -- 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 allowing municipalities to pass a local law granting a tax deferment for persons sixty-five years of age or older

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-h to read as follows:  
3     S 467-H. DEFERRAL OF REAL PROPERTY TAX FOR PERSONS SIXTY-FIVE YEARS OF  
4     AGE OR OLDER. 1. (A) AFTER A PUBLIC HEARING, THE GOVERNING BODY OF A  
5     COUNTY, CITY, TOWN OR VILLAGE MAY ADOPT A LOCAL LAW, GRANTING A TAX  
6     DEFERMENT FOR REAL PROPERTY OWNED AND OCCUPIED BY ONE OR MORE PERSONS,  
7     EACH OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OLDER, OR REAL PROPERTY OWNED  
8     AND OCCUPIED BY SPOUSES OR BY SIBLINGS, ONE OF WHOM IS SIXTY-FIVE YEARS  
9     OF AGE OR OLDER. FOR PURPOSES OF THIS SECTION, "SIBLING" SHALL MEAN A  
10    BROTHER OR A SISTER, WHETHER RELATED THROUGH HALF BLOOD, WHOLE BLOOD OR  
11    ADOPTION.  
12    (B) APPLICATION FOR SUCH DEFERMENT SHALL BE MADE ANNUALLY BY THE OWNER  
13    OR OWNERS OF SUCH REAL PROPERTY. NO APPLICATION FOR SUCH DEFERMENT SHALL  
14    BE GRANTED TO ANY OWNER WITH A TOTAL INCOME EXCEEDING SEVENTY THOUSAND  
15    DOLLARS. FOR PURPOSES OF THIS SECTION, "INCOME" SHALL MEAN THE GROSS  
16    INCOME OF THE OWNER OR OWNERS OF SUCH PROPERTY FOR THE INCOME TAX YEAR  
17    IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR SUCH DEFERMENT AND  
18    SHALL INCLUDE SOCIAL SECURITY AND RETIREMENT BENEFITS, INTEREST, DIVI-  
19    DENDS, TOTAL GAIN FROM THE SALE OR EXCHANGE OF A CAPITAL ASSET WHICH MAY  
20    BE OFFSET BY A LOSS FROM THE SALE OR EXCHANGE OF A CAPITAL ASSET IN THE  
21    SAME INCOME TAX YEAR, NET RENTAL INCOME, EARNED INCOME FROM SALARY OR

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

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1 EARNINGS AND NET INCOME FROM SELF-EMPLOYMENT, BUT SHALL NOT INCLUDE A  
2 RETURN OF CAPITAL, GIFTS OR INHERITANCES. THE AGE OF EACH OWNER OF SUCH  
3 PROPERTY SHALL BE THE AGE OF SUCH PERSON AT THE COMMENCEMENT OF THE  
4 MUNICIPALITY'S FISCAL YEAR FOR WHICH AN APPLICATION FOR TAX DEFERMENT IS  
5 MADE.

6 2. SUCH DEFERMENT SHALL EQUAL SEVENTY-FIVE PER CENTUM OF THE APPLI-  
7 CANT'S TAX OBLIGATION.

8 3. THE AMOUNT OF TAXES DEFERRED SHALL ACCRUE AGAINST SUCH PERSON, WITH  
9 A THREE PER CENTUM INTEREST RATE, AND SHALL, ON THE DATE SUCH DEFERMENT  
10 IS GRANTED, CONSTITUTE A LIEN AGAINST SUCH PROPERTY IN FAVOR OF THE  
11 APPROPRIATE MUNICIPAL CORPORATION. THE OWNER OR OWNERS OF SUCH PROPERTY,  
12 HAVING RECEIVED SUCH DEFERMENT PURSUANT TO THIS SECTION, MAY, AT ANY  
13 TIME, TERMINATE THE DEFERMENT AND REMOVE THE RESULTANT LIEN ON SAID  
14 PROPERTY BY PAYING IN FULL THE CUMULATIVE AMOUNT OF SUCH LIEN.

15 4. A TAX DEFERMENT GRANTED TO SPOUSES PURSUANT TO THIS SECTION, ONCE  
16 GRANTED, SHALL NOT BE RESCINDED SOLELY BECAUSE OF THE DEATH OF THE OLDER  
17 SPOUSE SO LONG AS THE SURVIVING SPOUSE IS AT LEAST SIXTY-TWO YEARS OF  
18 AGE. IN THE EVENT THAT THE SURVIVING SPOUSE IS LESS THAN SIXTY-TWO YEARS  
19 OF AGE, SUCH SURVIVING SPOUSE SHALL BE ELIGIBLE FOR THE TAX DEFERMENT  
20 UPON REACHING SIXTY-TWO YEARS OF AGE PROVIDED ALL OTHER ELIGIBILITY  
21 REQUIREMENTS ARE MET.

22 5. ANY PERSON WHO HAS ALREADY ATTAINED THE AGE OF SIXTY-FIVE YEARS OR  
23 OLDER IS ELIGIBLE FOR SUCH DEFERRAL AND SHALL BE ENTITLED TO A TAX  
24 DEFERMENT BASED ON THE TAX YEAR IMMEDIATELY PRECEDING THE EFFECTIVE DATE  
25 OF THIS SECTION.

26 S 2. This act shall take effect on the one hundred eightieth day after  
27 it shall have become a law.