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

10381

I N A S S E M B L Y

May 25, 2016

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

AN ACT to amend the real property tax law, in relation to certain exemptions for veterans

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

Section 1. Paragraph (c) of subdivision 2 of section 458-a of the real property tax law, as amended by chapter 100 of the laws of 1988, is amended to read as follows:

(c) (I) In addition to the exemptions provided by paragraphs (a) and (b) of this subdivision, where the veteran received a compensation rating from the United States veteran's administration or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the veteran's disability rating; provided, however, that such exemption shall not exceed forty thousand dollars or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less. For purposes of this paragraph, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of one hundred percent.

(II) A COUNTY, CITY, TOWN, VILLAGE OR SCHOOL DISTRICT MAY, AFTER A PUBLIC HEARING, ADOPT A LOCAL LAW OR RESOLUTION TO ALLOW A VETERAN WHO HAS FILED FOR DISABILITY COMPENSATION PURSUANT TO 38 U.S.C. 1110 ET SEQ AND IS WAITING FOR A FINAL DETERMINATION FROM THE U.S. DEPARTMENT OF VETERANS AFFAIRS, TO APPLY FOR THE ADDITIONAL DISABLED EXEMPTION AFTER THE LAST DATE FOR FILING SUCH EXEMPTION. THE VETERAN SHALL PROVIDE THE ASSESSOR WITH DOCUMENTATION, INCLUDING BUT NOT LIMITED TO, A PENDING ACCEPTANCE LETTER. SUCH VETERAN SHALL BE DEEMED TO HAVE LOWEST COMPENSATION RATING UNTIL FINAL DETERMINATION. ONCE THE VETERAN HAS RECEIVED SUCH DETERMINATION, HE OR SHE SHALL FILE THIS INFORMATION WITH THE

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

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ASSESSOR. IF THE DETERMINATION INDICATES THAT THE VETERAN RECEIVED ONE OR MORE EXEMPTIONS IN AN AMOUNT OR AMOUNTS INCONSISTENT WITH HIS OR HER ELIGIBILITY, THE ASSESSOR SHALL RECALCULATE ALL APPLICABLE EXEMPTIONS ACCORDINGLY AND THE DIFFERENCE BETWEEN THE APPLIED EXEMPT AMOUNT AND THE RECALCULATED EXEMPTION AMOUNT FOR EACH AFFECTED ROLL SHALL BE DEEMED A "CLERICAL ERROR," AS DEFINED IN SUBDIVISION TWO OF SECTION FIVE HUNDRED FIFTY-FOUR OF THIS CHAPTER, AND SHALL BE CORRECTED ACCORDINGLY PURSUANT TO TITLE THREE OF ARTICLE FIVE OF THIS CHAPTER.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.