

1339

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. ZEBROWSKI, TENNEY -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to granting a total exemption from real property taxation for school tax purposes for certain persons seventy-five years of age or over

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. PERSONS SEVENTY-FIVE YEARS OF AGE OR OVER. 1. NOTWITHSTAND-  
4 ING ANY INCONSISTENT PROVISION OF SECTION FOUR HUNDRED SIXTY-SEVEN OF  
5 THIS TITLE OR ANY OTHER PROVISION OF LAW, REAL PROPERTY OWNED BY ONE OR  
6 MORE PERSONS EACH OF WHOM IS SEVENTY-FIVE YEARS OF AGE OR OVER, OR REAL  
7 PROPERTY OWNED BY HUSBAND AND WIFE OR SIBLINGS, ONE OF WHOM IS SEVENTY-  
8 FIVE YEARS OF AGE OR OVER AND THE YOUNGEST OWNER IS AT LEAST SIXTY-FIVE  
9 YEARS OF AGE; SUCH PERSONS HAVE RESIDED IN THE SCHOOL DISTRICT FOR AT  
10 LEAST THIRTY YEARS AND DO NOT HAVE ANY CHILDREN ENROLLED IN SUCH SCHOOL  
11 DISTRICT SHALL BE EXEMPT FROM TAXATION BY ANY MUNICIPAL CORPORATION FOR  
12 SCHOOL PURPOSES, IN WHICH LOCATED, TO THE TOTAL EXTENT OF THE ASSESSED  
13 VALUATION THEREOF PROVIDED THE GOVERNING BOARD OF SUCH MUNICIPALITY,  
14 AFTER PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION  
15 PROVIDING THEREFOR.  
16 2. ALL OF THE PROVISIONS OF SECTION FOUR HUNDRED SIXTY-SEVEN OF THIS  
17 TITLE APPLICABLE TO THE GRANTING OF EXEMPTIONS FOR GENERAL, COUNTY,  
18 CITY, TOWN, VILLAGE, OR SCHOOL PURPOSES INsofar AS SUCH PROVISIONS ARE  
19 NOT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION SHALL BE APPLICABLE  
20 TO THE EFFECTUATING OF THE EXEMPTION PROVIDED IN THIS SECTION.  
21 3. (A) TO QUALIFY FOR EXEMPTION PURSUANT TO THIS SECTION, THE PROPERTY  
22 MUST BE A ONE, TWO OR THREE FAMILY RESIDENCE, A FARM DWELLING OR RESI-  
23 DENTIAL PROPERTY HELD IN CONDOMINIUM OR COOPERATIVE FORM OF OWNERSHIP.  
24 IF THE PROPERTY IS NOT AN ELIGIBLE TYPE OF PROPERTY, BUT A PORTION OF

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

LBD00646-01-5

1 THE PROPERTY IS PARTIALLY USED BY THE OWNER AS A PRIMARY RESIDENCE, THAT  
2 PORTION WHICH IS SO USED SHALL BE ENTITLED TO THE EXEMPTION PROVIDED BY  
3 THIS SECTION; PROVIDED THAT IN NO EVENT SHALL THE EXEMPTION EXCEED THE  
4 ASSESSED VALUE ATTRIBUTABLE TO THAT PORTION.

5 (B) PRIMARY RESIDENCE. THE PROPERTY MUST SERVE AS THE PRIMARY RESI-  
6 DENCE OF ONE OR MORE OF THE OWNERS THEREOF.

7 (C) TRUSTS. IF LEGAL TITLE TO THE PROPERTY IS HELD BY ONE OR MORE  
8 TRUSTEES, THE BENEFICIAL OWNER OR OWNERS SHALL BE DEEMED TO OWN THE  
9 PROPERTY FOR PURPOSES OF THIS SUBDIVISION.

10 (D) FARM DWELLINGS NOT OWNED BY THE RESIDENT. (I) IF LEGAL TITLE TO  
11 THE FARM DWELLING IS HELD BY AN S-CORPORATION OR BY A C-CORPORATION, THE  
12 EXEMPTION SHALL BE GRANTED IF THE PROPERTY SERVES AS THE PRIMARY RESI-  
13 DENCE OF A SHAREHOLDER OF SUCH CORPORATION.

14 (II) IF THE LEGAL TITLE TO THE FARM DWELLING IS HELD BY A PARTNERSHIP,  
15 THE EXEMPTION SHALL BE GRANTED IF THE PROPERTY SERVES AS THE PRIMARY  
16 RESIDENCE OF ONE OR MORE OF THE PARTNERS.

17 (III) ANY INFORMATION DEEMED NECESSARY TO ESTABLISH SHAREHOLDER OR  
18 PARTNER STATUS FOR ELIGIBILITY PURPOSES SHALL BE CONSIDERED CONFIDENTIAL  
19 AND EXEMPT FROM THE FREEDOM OF INFORMATION LAW.

20 4. (A) THE COMBINED INCOME OF ALL OF THE OWNERS, AND OF ANY OWNERS'  
21 SPOUSES RESIDING ON THE PREMISES, MAY NOT EXCEED THE APPLICABLE INCOME  
22 STANDARD SPECIFIED HEREIN.

23 (I) FOR FINAL ASSESSMENT ROLLS TO BE COMPLETED PRIOR TO TWO THOUSAND  
24 FIFTEEN, ELIGIBILITY FOR THE EXEMPTION SHALL BE BASED UPON INCOME FOR  
25 THE INCOME TAX YEAR IMMEDIATELY PRECEDING THE DATE OF MAKING APPLICATION  
26 FOR THE EXEMPTION, AND THE INCOME STANDARD SHALL BE SIXTY THOUSAND  
27 DOLLARS.

28 (II) FOR FINAL ASSESSMENT ROLLS TO BE COMPLETED IN TWO THOUSAND  
29 FIFTEEN, ELIGIBILITY FOR THE EXEMPTION SHALL BE BASED UPON INCOME FOR  
30 THE INCOME TAX YEAR ENDING IN TWO THOUSAND THIRTEEN, AND THE INCOME  
31 STANDARD SHALL BE THE PREVIOUSLY-APPLICABLE INCOME STANDARD OF SIXTY  
32 THOUSAND DOLLARS INCREASED BY THE COST-OF-LIVING-ADJUSTMENT PERCENTAGE  
33 FOR TWO THOUSAND THIRTEEN. FOR PURPOSES OF THIS COMPUTATION, THE  
34 COST-OF-LIVING-ADJUSTMENT PERCENTAGE FOR TWO THOUSAND THIRTEEN SHALL BE  
35 EQUAL TO THE "APPLICABLE INCREASE PERCENTAGE" USED BY THE UNITED STATES  
36 COMMISSIONER OF SOCIAL SECURITY TO DETERMINE MONTHLY SOCIAL SECURITY  
37 BENEFITS PAYABLE IN TWO THOUSAND THIRTEEN TO INDIVIDUALS, AS PROVIDED BY  
38 SUBSECTION (I) OF SECTION FOUR HUNDRED FIFTEEN OF TITLE FORTY-TWO OF THE  
39 UNITED STATES CODE.

40 (III) FOR FINAL ASSESSMENT ROLLS TO BE COMPLETED IN EACH ENSUING YEAR,  
41 THE APPLICABLE INCOME TAX YEAR, COST-OF-LIVING-ADJUSTMENT PERCENTAGE AND  
42 APPLICABLE INCREASE PERCENTAGE SHALL ALL BE ADVANCED BY ONE YEAR, AND  
43 THE INCOME STANDARD SHALL BE THE PREVIOUSLY-APPLICABLE INCOME STANDARD  
44 INCREASED BY THE NEW COST-OF-LIVING-ADJUSTMENT PERCENTAGE. IF THERE  
45 SHOULD BE A YEAR FOR WHICH THERE IS NO APPLICABLE INCREASE PERCENTAGE  
46 DUE TO A GENERAL BENEFIT INCREASE AS DEFINED BY SUBDIVISION THREE OF  
47 SUBSECTION (I) OF SECTION FOUR HUNDRED FIFTEEN OF TITLE FORTY-TWO OF THE  
48 UNITED STATES CODE, THE APPLICABLE INCREASE PERCENTAGE FOR PURPOSES OF  
49 THIS COMPUTATION SHALL BE DEEMED TO BE THE PERCENTAGE WHICH WOULD HAVE  
50 YIELDED THAT GENERAL BENEFIT INCREASE.

51 (IV) IN NO CASE SHALL AN INCOME STANDARD BE DECREASED FROM ONE ASSESS-  
52 MENT ROLL TO THE NEXT.

53 (V) IF THE INCOME STANDARD INITIALLY COMPUTED FOR AN ASSESSMENT ROLL  
54 IS NOT EXACTLY EQUAL TO A MULTIPLE OF FIFTY DOLLARS, IT SHALL BE ROUNDED  
55 UP TO THE NEXT HIGHER MULTIPLE OF FIFTY DOLLARS.

1 (VI) IT SHALL BE THE RESPONSIBILITY OF THE COMMISSIONER TO ANNUALLY  
2 DETERMINE ALL INCOME STANDARDS PURSUANT TO THIS SUBDIVISION BEGINNING  
3 WITH FINAL ASSESSMENT ROLLS TO BE COMPLETED IN TWO THOUSAND FIFTEEN, TO  
4 CAUSE NOTICE THEREOF TO BE PUBLISHED IN THE STATE REGISTER, TO DISSEM-  
5 INATE NOTICE THEREOF TO ASSESSORS, COUNTY DIRECTORS OF REAL PROPERTY TAX  
6 SERVICES, AND SUCH OTHER PARTIES AS IT MAY DEEM APPROPRIATE, AND TO POST  
7 NOTICE THEREOF ON ITS WEBSITE.

8 (B) THE TERM "INCOME" AS USED HEREIN SHALL MEAN THE "ADJUSTED GROSS  
9 INCOME" FOR FEDERAL INCOME TAX PURPOSES AS REPORTED ON THE APPLICANT'S  
10 FEDERAL OR STATE INCOME TAX RETURN FOR THE APPLICABLE INCOME TAX YEAR,  
11 SUBJECT TO ANY SUBSEQUENT AMENDMENTS OR REVISIONS, REDUCED BY DISTRIB-  
12 UTIONS, TO THE EXTENT INCLUDED IN FEDERAL ADJUSTED GROSS INCOME,  
13 RECEIVED FROM AN INDIVIDUAL RETIREMENT ACCOUNT AND AN INDIVIDUAL RETIRE-  
14 MENT ANNUITY; PROVIDED THAT IF NO SUCH RETURN WAS FILED FOR THE APPLICA-  
15 BLE INCOME TAX YEAR, "INCOME" SHALL MEAN THE ADJUSTED GROSS INCOME THAT  
16 WOULD HAVE BEEN SO REPORTED IF SUCH A RETURN HAD BEEN FILED.

17 (C) ANY INFORMATION OR DOCUMENTATION SUBMITTED BY THE APPLICANT IN  
18 CONNECTION WITH APPLICATIONS FOR OR RENEWAL OF THE EXEMPTION AUTHORIZED  
19 UNDER THIS SECTION TO VERIFY INCOME, SHALL BE DEEMED CONFIDENTIAL, AND  
20 THE ASSESSOR, ANY MUNICIPAL OFFICER OR MUNICIPAL EMPLOYEES ARE PROHIBIT-  
21 ED FROM DISCLOSING ANY SUCH INFORMATION, EXCEPT FOR ANY DISCLOSURE  
22 NECESSARY IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES, AND EXCEPT AS  
23 AUTHORIZED BY PARAGRAPH (E) OF THIS SUBDIVISION. ANY UNAUTHORIZED  
24 DISCLOSURE OF SUCH INFORMATION SHALL BE DEEMED A VIOLATION OF SECTION  
25 EIGHT HUNDRED FIVE-A OF THE GENERAL MUNICIPAL LAW.

26 (D) EFFECTIVE WITH APPLICATIONS FOR THE ENHANCED EXEMPTION ON FINAL  
27 ASSESSMENT ROLLS TO BE COMPLETED IN TWO THOUSAND FIFTEEN, THE APPLICA-  
28 TION FORM SHALL INDICATE THAT THE OWNERS OF THE PROPERTY AND ANY OWNERS'  
29 SPOUSES RESIDING ON THE PREMISES MAY AUTHORIZE THE ASSESSOR TO HAVE  
30 THEIR INCOME ELIGIBILITY VERIFIED ANNUALLY THEREAFTER BY THE STATE  
31 DEPARTMENT OF TAXATION AND FINANCE, IN LIEU OF FURNISHING COPIES OF THE  
32 APPLICABLE INCOME TAX RETURN OR RETURNS WITH THE APPLICATION. IF THE  
33 OWNERS OF THE PROPERTY AND ANY OWNERS' SPOUSES RESIDING ON THE PREMISES  
34 ELECT TO PARTICIPATE IN THIS PROGRAM, WHICH SHALL BE KNOWN AS THE STAR  
35 INCOME VERIFICATION PROGRAM, THEY MUST FURNISH THEIR TAXPAYER IDENTIFI-  
36 CATION NUMBERS IN ORDER TO FACILITATE MATCHING WITH RECORDS OF THE  
37 DEPARTMENT OF TAXATION AND FINANCE. THEREAFTER, THEIR INCOME ELIGIBILITY  
38 SHALL BE VERIFIED ANNUALLY BY THE STATE DEPARTMENT OF TAXATION AND  
39 FINANCE AND THE ASSESSOR SHALL NOT REQUEST INCOME DOCUMENTATION FROM  
40 THEM, UNLESS SUCH DEPARTMENT ADVISES THE ASSESSOR THROUGH THE COMMIS-  
41 SIONER THAT THEY DO NOT SATISFY THE APPLICABLE INCOME ELIGIBILITY  
42 REQUIREMENTS, OR THAT IT IS UNABLE TO DETERMINE WHETHER THEY SATISFY  
43 THOSE REQUIREMENTS.

44 (E) THE ASSESSOR SHALL FORWARD TO THE COMMISSIONER, IN THE TIME AND  
45 MANNER REQUIRED BY THE COMMISSIONER, INFORMATION IDENTIFYING THE PERSONS  
46 WHO HAVE ELECTED TO PARTICIPATE IN THE STAR INCOME VERIFICATION PROGRAM.  
47 THE COMMISSIONER SHALL FORWARD SUCH INFORMATION TO THE DEPARTMENT OF  
48 TAXATION AND FINANCE IN THE MANNER PROVIDED BY THE AGREEMENT EXECUTED  
49 PURSUANT TO SECTION ONE HUNDRED SEVENTY-ONE-K OF THE TAX LAW, AND SHALL  
50 NOTIFY THE ASSESSOR OF THE RESPONSE OR RESPONSES HE OR SHE RECEIVES FROM  
51 SUCH DEPARTMENT PURSUANT TO SUCH AGREEMENT. AFTER RECEIVING SUCH  
52 RESPONSE OR RESPONSES, THE ASSESSING AUTHORITY SHALL CAUSE NOTICES TO BE  
53 MAILED TO PARTICIPANTS. INFORMATION OBTAINED BY THE COMMISSIONER IDENTI-  
54 FYING SUCH PERSONS, AND RESPONSES OBTAINED FROM SUCH DEPARTMENT SHALL BE  
55 CONFIDENTIAL AND SHALL NOT BE SUBJECT TO DISCLOSURE UNDER ARTICLE SIX OF  
56 THE PUBLIC OFFICERS LAW.

1 (F) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (D) AND (E) OF THIS  
2 SUBDIVISION, WHICH ESTABLISH A STAR INCOME VERIFICATION PROGRAM, INCOME  
3 DOCUMENTATION MUST BE SUBMITTED TO THE ASSESSOR IN CONNECTION WITH EACH  
4 OF THE FOLLOWING:  
5 (I) INITIAL APPLICATIONS FOR THE ENHANCED STAR EXEMPTION;  
6 (II) RENEWAL APPLICATIONS SUBMITTED BY A PERSON OR PERSONS WHO HAVE  
7 NOT ELECTED TO PARTICIPATE IN THE STAR INCOME VERIFICATION PROGRAM;  
8 (III) APPLICATIONS THAT WOULD ALLOW AN ENHANCED EXEMPTION TO RESUME  
9 AFTER HAVING BEEN DISCONTINUED;  
10 (IV) APPLICATIONS SUBMITTED BY A PERSON OR PERSONS WHO HAD PREVIOUSLY  
11 QUALIFIED FOR THE ENHANCED EXEMPTION BUT NOT IN THE ASSESSING UNIT IN  
12 QUESTION; AND  
13 (V) APPLICATIONS WITH RESPECT TO WHICH THE DEPARTMENT OF TAXATION AND  
14 FINANCE HAS ADVISED THE ASSESSOR THROUGH THE COMMISSIONER THAT IT IS  
15 UNABLE TO DETERMINE WHETHER A PARTICIPANT OR PARTICIPANTS IN THE STAR  
16 INCOME VERIFICATION PROGRAM SATISFY THE INCOME ELIGIBILITY REQUIREMENTS.  
17 S 2. This act shall take effect immediately and shall apply to assess-  
18 ment rolls prepared on the basis of taxable status dates occurring on or  
19 after the first of January next succeeding the date on which this act  
20 shall have become a law.