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

2690

2015-2016 Regular Sessions

I N S E N A T E

January 28, 2015

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the real property tax law, in relation to a STAR exemption for certain senior citizens who reside with a related property owner

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

Section 1. Section 425 of the real property tax law is amended by adding a new subdivision 4-b to read as follows:

4-B. SENIOR CITIZENS THAT RESIDE WITH A NON-SPOUSE RELATIVE. (A) NOTWITHSTANDING THE PROPERTY OWNERSHIP REQUIREMENTS PROVIDED BY PARAGRAPH (A) OF SUBDIVISION TWO, SUBDIVISION THREE, AND PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION, WHEN PROPERTY THAT RECEIVES A BASIC STAR EXEMPTION OR AN ENHANCED STAR EXEMPTION PURSUANT TO SUBDIVISION TWO OR THREE OF THIS SECTION SERVES AS THE PRIMARY RESIDENCE FOR BOTH A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE ON THE DATE SPECIFIED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION AND A RELATIVE WHO IS (I) WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY TO SUCH PERSON, (II) NOT THE SPOUSE OF SUCH PERSON, AND (III) THE OWNER OF SUCH PROPERTY, SUCH PROPERTY SHALL BE ELIGIBLE FOR A PRO-RATED STAR EXEMPTION, AS COMPUTED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION AND SUBJECT TO THE LIMITATION PRESCRIBED BY PARAGRAPH (D) OF THIS SUBDIVISION, THAT IS IN ADDITION TO THE BASIC STAR EXEMPTION OR ENHANCED STAR EXEMPTION AVAILABLE FOR SUCH PROPERTY PURSUANT TO THIS SECTION, PROVIDED, HOWEVER, THAT THE SUM OF THE EXEMPTIONS APPROVED FOR SUCH PROPERTY PURSUANT TO THIS SECTION SHALL NOT EXCEED SUCH PROPERTY'S ASSESSED VALUE.

(B) ELIGIBILITY REQUIREMENTS. (I) FOR THE PRO-RATED EXEMPTION BASED ON THE BASIC STAR EXEMPTION, THE PROPERTY MUST (A) SERVE AS THE PRIMARY RESIDENCE FOR A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE ON THE DATE SPECIFIED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION, (B) HAVE SERVED AS THE PRIMARY RESIDENCE FOR SUCH PERSON FOR AT LEAST SIX

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

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MONTHS PRIOR TO THE FIRST DAY OF JANUARY OF THE YEAR FOR WHICH THE EXEMPTION IS SOUGHT, (C) BE OWNED BY A NON-SPOUSE RELATIVE OF SUCH PERSON WHO IS WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY TO SUCH PERSON, (D) SERVE AS THE PRIMARY RESIDENCE OF THE RELATED OWNER, (E) CURRENTLY RECEIVE A BASIC STAR EXEMPTION OR AN ENHANCED STAR EXEMPTION, AND (F) SATISFY THE CRITERIA OF SUBDIVISION THREE OF THIS SECTION, PROVIDED THAT THE DETERMINATION REGARDING WHETHER THE INCOME CRITERIA PRESCRIBED BY PARAGRAPH (B-1) OF SUBDIVISION THREE OF THIS SECTION ARE SATISFIED SHALL SOLELY BE BASED UPON THE INCOME OF SUCH PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE AND HIS OR HER SPOUSE IF THE PROPERTY SERVES AS SUCH SPOUSE'S PRIMARY RESIDENCE.

(II) FOR THE PRO-RATED STAR EXEMPTION BASED ON THE ENHANCED STAR EXEMPTION, THE PROPERTY MUST (A) SERVE AS THE PRIMARY RESIDENCE FOR A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE ON THE DATE SPECIFIED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION, (B) HAVE SERVED AS THE PRIMARY RESIDENCE FOR SUCH PERSON FOR AT LEAST SIX MONTHS PRIOR TO THE FIRST DAY OF JANUARY OF THE YEAR FOR WHICH THE EXEMPTION IS SOUGHT, (C) BE OWNED BY A NON-SPOUSE RELATIVE OF SUCH PERSON WHO IS WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY TO SUCH PERSON, (D) SERVE AS THE PRIMARY RESIDENCE OF THE RELATED OWNER, (E) CURRENTLY RECEIVE A BASIC STAR EXEMPTION OR AN ENHANCED STAR EXEMPTION, (F) SATISFY THE CRITERIA OF SUBDIVISION THREE OF THIS SECTION AS MODIFIED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH, AND (G) SATISFY THE CRITERIA OF SUBDIVISION FOUR OF THIS SECTION, PROVIDED THAT THE DETERMINATION REGARDING WHETHER THE INCOME CRITERIA PRESCRIBED BY PARAGRAPH (B) OF SUBDIVISION FOUR ARE SATISFIED SHALL SOLELY BE BASED UPON THE INCOME OF SUCH PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE AND HIS OR HER SPOUSE IF SUCH SPOUSE IS AT LEAST SIXTY-TWO YEARS OF AGE AS OF THE DATE SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION AND THE PROPERTY SERVES AS SUCH SPOUSE'S PRIMARY RESIDENCE.

(C) COMPUTATION OF EXEMPTION AMOUNT. SUBJECT TO THE LIMITATION PRESCRIBED IN PARAGRAPH (D) OF THIS SUBDIVISION, A PRO-RATED STAR EXEMPTION SHALL BE COMPUTED FOR EACH PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE ON THE DATE SPECIFIED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION AND WHO MEETS THE REQUIREMENTS OF PARAGRAPH (B) OF THIS SUBDIVISION AS FOLLOWS: MULTIPLY THE BASIC STAR EXEMPTION OR ENHANCED STAR EXEMPTION THAT WOULD BE GRANTED TO THE PROPERTY IF PARAGRAPH (B) OF THIS SUBDIVISION PROVIDED THE ELIGIBILITY CRITERIA FOR SUCH EXEMPTION, BY TWENTY-FIVE PERCENT AND MULTIPLY THAT PRODUCT BY A FRACTION, THE NUMERATOR OF WHICH IS ONE, IN THE CASE OF A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE WHO DOES NOT RESIDE WITH HIS OR HER SPOUSE, IF ANY, OR TWO, IN THE CASE OF A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE WHO DOES RESIDE WITH HIS OR HER SPOUSE, AND THE DENOMINATOR OF WHICH IS THE SUM OF THE NUMERATOR PLUS THE TOTAL NUMBER OF OWNERS AND THEIR SPOUSES FOR WHOM THE PROPERTY SERVES AS THEIR PRIMARY RESIDENCE.

(D) LIMITATION. WHEN MORE THAN ONE PERSON MEETS THE ELIGIBILITY REQUIREMENTS PRESCRIBED BY PARAGRAPH (B) OF THIS SUBDIVISION, THE PRO-RATED STAR EXEMPTION COMPUTED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION SHALL BE LIMITED AS FOLLOWS:

(I) WHEN THE AGGREGATE OF THE NUMERATORS OF THE FRACTION OR FRACTIONS USED IN THE COMPUTATION PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION IS TWO OR LESS, THE AMOUNT OF THE PRO-RATED STAR EXEMPTION SHALL BE THE SUM OF THE EXEMPTION AMOUNTS COMPUTED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION.

(II) WHEN THE AGGREGATE OF THE NUMERATORS OF EACH FRACTION USED IN THE COMPUTATION PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION IS MORE THAN

TWO, THE AMOUNT OF THE PRO-RATED STAR EXEMPTION SHALL EQUAL THE AMOUNT COMPUTED AS FOLLOWS: (A) DIVIDE THE SUM OF THE EXEMPTION AMOUNTS COMPUTED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION BY THE AGGREGATE OF SUCH NUMERATORS, AND (B) MULTIPLY THE AMOUNT COMPUTED PURSUANT TO CLAUSE (A) OF THIS SUBPARAGRAPH BY THE NUMBER TWO.

(E) DEATH OF A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE. IN THE CASE OF AN EXEMPTION GRANTED PURSUANT TO THIS SUBDIVISION FOR A PERSON WHO RESIDES WITH HIS OR HER SPOUSE AND SUCH SPOUSE HAS NOT ATTAINED THE AGE OF SIXTY-FIVE YEARS BY THE DATE PRESCRIBED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION, UPON THE DEATH OF THE PERSON WHO SATISFIED THE ELIGIBILITY CRITERIA OF THIS SUBDIVISION, IF SUCH SURVIVING SPOUSE IS AT LEAST SIXTY-TWO YEARS OF AGE BY THE DATE PRESCRIBED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION, SUCH SPOUSE SHALL BE DEEMED TO BE AT LEAST SIXTY-FIVE YEARS OF AGE BY THE DATE PRESCRIBED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION FOR PURPOSES OF SATISFYING THE ELIGIBILITY CRITERIA PRESCRIBED BY PARAGRAPH (B) OF THIS SUBDIVISION.

(F) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, APPLICATION FOR AN EXEMPTION PURSUANT TO THIS SUBDIVISION SHALL BE MADE ON AN ANNUAL BASIS IN ACCORDANCE WITH THE APPLICATION PROCEDURES PRESCRIBED IN THIS SECTION; PROVIDED, HOWEVER, THAT THE APPLICATION SHALL BE JOINTLY FILED BY ALL OF THE PROPERTY OWNERS WHO PRIMARILY RESIDE ON THE PROPERTY AND THE SENIOR CITIZENS WHO MEET THE ELIGIBILITY CRITERIA PRESCRIBED BY PARAGRAPH (B) OF THIS SUBDIVISION.

(G) EXCEPT AS PROVIDED IN THIS SUBDIVISION, OR AS INCONSISTENT WITH THE PURPOSES OF THIS SUBDIVISION, ALL OTHER PROVISIONS OF THIS SECTION SHALL BE APPLICABLE TO THE PRO-RATED STAR EXEMPTION PROVIDED BY THIS SUBDIVISION.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.