

2938--A

Cal. No. 268

2015-2016 Regular Sessions

I N S E N A T E

January 30, 2015

Introduced by Sens. CROCI, FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the real property tax law, in relation to prorating a veteran's exemption if such veteran moves within the same county

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

1 Section 1. Subdivision 9 of section 458 of the real property tax law,
2 as amended by chapter 503 of the laws of 2008, is amended to read as
3 follows:
4 9. Notwithstanding the provisions of subdivision one of this section,
5 the governing body of any municipality may, after public hearing, adopt
6 a local law, ordinance or resolution providing where a veteran, the
7 spouse of the veteran or unremarried surviving spouse already receiving
8 an exemption pursuant to this section sells the property receiving the
9 exemption and purchases property within the same [city, town or village]
10 COUNTY, OR IN THE CASE OF A CITY HAVING A POPULATION OF ONE MILLION OR
11 MORE PERSONS, WITHIN THE SAME CITY, the assessor shall transfer and
12 prorate, for the remainder of the fiscal year, the exemption which the
13 veteran, the spouse of the veteran or unremarried surviving spouse
14 received. The prorated exemption shall be based upon the date the veter-
15 an, the spouse of the veteran or unremarried surviving spouse obtains
16 title to the new property and shall be calculated by multiplying the tax
17 rate or rates for each municipal corporation which levied taxes, or for
18 which taxes were levied, on the appropriate tax roll used for the fiscal
19 year or years during which the transfer occurred times the previously
20 granted exempt amount times the fraction of each fiscal year or years
21 remaining subsequent to the transfer of title. Nothing in this section

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

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1 shall be construed to remove the requirement that any such veteran, the
2 spouse of the veteran or unremarried surviving spouse transferring an
3 exemption pursuant to this subdivision shall reapply for the exemption
4 authorized pursuant to this section on or before the following taxable
5 status date, in the event such veteran, the spouse of the veteran or
6 unremarried surviving spouse wishes to receive the exemption in future
7 fiscal years.

8 S 2. Subdivision 8 of section 458-a of the real property tax law, as
9 amended by chapter 503 of the laws of 2008, is amended to read as
10 follows:

11 8. Notwithstanding the provisions of paragraph (c) of subdivision one
12 of this section and subdivision three of this section, the governing
13 body of any municipality may, after public hearing, adopt a local law,
14 ordinance or resolution providing that where a veteran, the spouse of
15 the veteran or unremarried surviving spouse already receiving an
16 exemption pursuant to this section sells the property receiving the
17 exemption and purchases property within the same [city, town or village]
18 COUNTY, OR IN THE CASE OF A CITY HAVING A POPULATION OF ONE MILLION OR
19 MORE PERSONS, WITHIN THE SAME CITY, the assessor shall transfer and
20 prorate, for the remainder of the fiscal year, the exemption received.
21 The prorated exemption shall be based upon the date the veteran, the
22 spouse of the veteran or unremarried surviving spouse obtains title to
23 the new property and shall be calculated by multiplying the tax rate or
24 rates for each municipal corporation which levied taxes, or for which
25 taxes were levied, on the appropriate tax roll used for the fiscal year
26 or years during which the transfer occurred times the previously granted
27 exempt amount times the fraction of each fiscal year or years remaining
28 subsequent to the transfer of title. Nothing in this section shall be
29 construed to remove the requirement that any such veteran, the spouse of
30 the veteran or unremarried surviving spouse transferring an exemption
31 pursuant to this subdivision shall reapply for the exemption authorized
32 pursuant to this section on or before the following taxable status date,
33 in the event such veteran, the spouse of the veteran or unremarried
34 surviving spouse wishes to receive the exemption in future fiscal years.

35 S 3. This act shall take effect on the second of January next succeed-
36 ing the date on which it shall have become a law and shall apply to
37 assessment rolls prepared on the basis of taxable status dates occurring
38 on and after such date.