

5673

2015-2016 Regular Sessions

I N   S E N A T E

May 27, 2015

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Introduced by Sens. KLEIN, AVELLA, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the real property tax law, in relation to rebates of real property taxes on certain residential real property in a city having a population of one million or more

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

1     Section 1. Subdivision 1 of section 467-e of the real property tax  
2 law, as amended by chapter 483 of the laws of 2007, is amended to read  
3 as follows:  
4     1. Generally. Notwithstanding any provision of any general, special or  
5 local law to the contrary, any city having a population of one million  
6 or more is hereby authorized and empowered to adopt and amend local laws  
7 in accordance with this section to grant a rebate of real property taxes  
8 for fiscal years beginning on the first of July, two thousand [three]  
9 FIFTEEN and ending on the thirtieth of June, two thousand [nine] EIGH-  
10 TEEN in the amount of the lesser of [four] FIVE hundred dollars or the  
11 annual tax liability imposed on the property. [No such local law may be  
12 adopted unless, as originally adopted, it authorizes such rebate to be  
13 granted in accordance with this section for three consecutive fiscal  
14 years beginning with the fiscal year beginning on the first of July, two  
15 thousand three.] No such rebate shall be granted by local law for any  
16 fiscal year beginning on or after the first of July, two thousand [nine]  
17 EIGHTEEN, unless the council of such city, in fixing the annual tax  
18 rates for any such fiscal year, shall have uniformly reduced such rates  
19 for all classes of property in order to produce real property tax relief  
20 among such classes of property in an amount not less than, in the aggre-  
21 gate, the aggregate amount of rebate paid in such fiscal year. [No such  
22 local law implementing the provisions of this section, as amended by the  
23 chapter of the laws of two thousand seven which added this sentence, may  
24 be adopted unless, as originally adopted, such local law authorizes such

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

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1 rebate to be granted in accordance with this section for three consec-  
2 utive fiscal years beginning with the fiscal year beginning on the first  
3 of July, two thousand six. Any rebate authorized by local law in accord-  
4 ance with this section shall be paid in the fiscal year following the  
5 fiscal year for which the rebate is granted.] If, with respect to the  
6 fiscal year of such city beginning on the first of July, two thousand  
7 [eight] FIFTEEN and ending on the thirtieth of June, two thousand [nine]  
8 EIGHTEEN, an increase in average real property tax rates would otherwise  
9 be necessary in the resolution of such city council fixing real property  
10 tax rates for such fiscal year pursuant to the charter of such city,  
11 then the rebate to be paid for such fiscal year shall be reduced or  
12 eliminated as follows: where the sum to be raised by such increase is  
13 less than seven hundred fifty million dollars, then such rebate shall be  
14 reduced by fifty cents for each dollar of increase, and where the sum to  
15 be raised by such increase is seven hundred fifty million dollars or  
16 more, then such rebate shall be eliminated. The determination of the  
17 reduction or elimination of such rebate shall be set forth in such  
18 resolution after consultation with the department of finance of such  
19 city and shall take effect upon the final adoption of such resolution.  
20 Such rebate shall be paid to an owner or tenant-stockholder who, as of  
21 the date the application provided for in subdivision four of this  
22 section is due, owns a one, two or three family residence or a dwelling  
23 unit in residential property held in the condominium or cooperative form  
24 of ownership that is the owner or tenant-stockholder's primary residence  
25 and meets all other eligibility requirements of this section. Notwith-  
26 standing anything to the contrary in sections four hundred twenty-one-a,  
27 four hundred twenty-one-b or four hundred twenty-one-g of this title, an  
28 owner or tenant-stockholder whose property is receiving benefits pursu-  
29 ant to such sections shall not be prohibited from receiving a rebate  
30 pursuant to this section if such owner or tenant-stockholder is other-  
31 wise eligible to receive such rebate. Tenant-stockholders of dwelling  
32 units in a cooperative apartment corporation incorporated as a mutual  
33 company pursuant to article two, four, five or eleven of the private  
34 housing finance law shall not be entitled to the rebate authorized by  
35 this section. Such rebate shall be paid by the commissioner of finance  
36 to eligible owners or tenant-stockholders in accordance with rules  
37 promulgated by the commissioner of finance.

38 S 2. Subparagraphs 2 and 3 of paragraph a of subdivision 2 of section  
39 467-e of the real property tax law, as added by section 1 of part V of  
40 chapter 60 of the laws of 2004, are amended and a new subparagraph 4 is  
41 added to read as follows:

42 (2) the property must serve as the primary residence of one or more of  
43 the owners or tenant-stockholders thereof; [and]

44 (3) the owner must not be in arrears in the payment of real property  
45 taxes in an amount in excess of twenty-five dollars for the fiscal year  
46 for which the rebate is claimed and all prior fiscal years, and for  
47 residential property held in the cooperative form of ownership, there  
48 must be no arrears in the payment of real property taxes in an amount in  
49 excess of an average of twenty-five dollars per dwelling unit in such  
50 cooperative apartment corporation for the fiscal year for which the  
51 rebate is claimed and all prior fiscal years[.]; AND

52 (4) THE FEDERAL ADJUSTED GROSS INCOME OF THE OWNER OR OWNERS, OR THE  
53 TENANT-STOCKHOLDER OR TENANT-STOCKHOLDERS DOES NOT EXCEED FIVE HUNDRED  
54 THOUSAND DOLLARS IN THE IMMEDIATELY PRECEDING INCOME TAX YEAR.

1 S 3. Paragraph a of subdivision 4 of section 467-e of the real proper-  
2 ty tax law, as amended by chapter 483 of the laws of 2007, is amended to  
3 read as follows:

4 a. Generally. Notwithstanding any provision of any general, special or  
5 local law to the contrary, an application for a rebate pursuant to this  
6 section for the fiscal year beginning the first of July, two thousand  
7 [three] FIFTEEN, shall be made no later than the date published by the  
8 commissioner of finance in the city record and in other appropriate  
9 general notices pursuant to this subdivision, which date shall be no  
10 earlier than thirty days after the effective date of this subdivision.  
11 An application for a rebate pursuant to this section for fiscal years  
12 beginning on or after the first of July, two thousand [four] SIXTEEN and  
13 ending on the thirtieth of June, two thousand [six] EIGHTEEN, shall be  
14 made no later than the fifteenth of March of the fiscal year for which  
15 the rebate is claimed. [An application for a rebate pursuant to this  
16 section for fiscal years beginning on or after the first of July, two  
17 thousand six, shall be made no later than the first of September follow-  
18 ing the fiscal year for which the rebate is claimed.] All owners or  
19 tenant-stockholders of property who primarily reside thereon must joint-  
20 ly file an application for the rebate on or before the application dead-  
21 line, unless such owners or tenant-stockholders currently receive a real  
22 property tax exemption pursuant to section four hundred twenty-five,  
23 four hundred fifty-eight, four hundred fifty-eight-a, four hundred  
24 fifty-nine-c or four hundred sixty-seven of this title, in which case no  
25 separate application for a rebate pursuant to this section shall be  
26 required. Such application may be filed by mail if it is enclosed in a  
27 postpaid envelope properly addressed to the commissioner of finance,  
28 deposited in a post office or official depository under the exclusive  
29 care of the United States postal service, and postmarked by the United  
30 States postal service on or before the application deadline. Each such  
31 application shall be made on a form prescribed by the commissioner of  
32 finance, which shall require the applicant to agree to notify the  
33 commissioner of finance if his, her or their primary residence changes  
34 after receiving the rebate pursuant to this section, or after filing an  
35 application for such rebate, if his, her or their primary residence  
36 changes after filing such application, but before receiving such rebate.  
37 The commissioner of finance may request that proof of primary residence  
38 be submitted with the application. No rebate pursuant to this section  
39 shall be granted unless the applicant, if required to do so by this  
40 subdivision, files an application within the time periods prescribed in  
41 this subdivision.

42 S 4. This act shall take effect immediately.