

9677

I N A S S E M B L Y

March 29, 2016

Introduced by M. of A. BENEDETTO -- read once and referred to the
Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to a rebate 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The section heading of section 467-e of the real property
2 tax law, as added by section 1 of part V of chapter 60 of the laws of
3 2004, is amended to read as follows:
4 Rebate for owners or tenant-stockholders of one, two [or], three,
5 FOUR, FIVE OR SIX family residences or residential property held in the
6 condominium or cooperative form of ownership in a city having a popu-
7 lation of one million or more.
8 S 2. Subdivision 1 of section 467-e of the real property tax law, as
9 amended by chapter 483 of the laws of 2007, is amended to read as
10 follows:
11 1. Generally. Notwithstanding any provision of any general, special or
12 local law to the contrary, any city having a population of one million
13 or more is hereby authorized and empowered to adopt and amend local laws
14 in accordance with this section to grant a rebate of real property taxes
15 for THE fiscal [years] YEAR beginning on the first of July, two thousand
16 [three] SEVENTEEN and ending on the thirtieth of June, two thousand
17 [nine] EIGHTEEN in the amount of the lesser of four hundred dollars or
18 the annual tax liability imposed on the property. [No such local law may
19 be adopted unless, as originally adopted, it authorizes such rebate to
20 be granted in accordance with this section for three consecutive fiscal
21 years beginning with the fiscal year beginning on the first of July, two
22 thousand three.] No such rebate shall be granted by local law for any
23 fiscal year beginning on or after the first of July, two thousand [nine]
24 EIGHTEEN, unless the council of such city, in fixing the annual tax
25 rates for any such fiscal year, shall have uniformly reduced such rates
26 for all classes of property in order to produce real property tax relief
27 among such classes of property in an amount not less than, in the aggre-

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

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gate, the aggregate amount of rebate paid in such fiscal year. [No such local law implementing the provisions of this section, as amended by the chapter of the laws of two thousand seven which added this sentence, may be adopted unless, as originally adopted, such local law authorizes such rebate to be granted in accordance with this section for three consecutive fiscal years beginning with the fiscal year beginning on the first of July, two thousand six.] Any rebate authorized by local law in accordance with this section shall be paid in the fiscal year following the fiscal year for which the rebate is granted. If, with respect to the fiscal year of such city beginning on the first of July, two thousand [eight] SEVENTEEN and ending on the thirtieth of June, two thousand [nine] EIGHTEEN, an increase in average real property tax rates would otherwise be necessary in the resolution of such city council fixing real property tax rates for such fiscal year pursuant to the charter of such city, then the rebate to be paid for such fiscal year shall be reduced or eliminated as follows: where the sum to be raised by such increase is less than seven hundred fifty million dollars, then such rebate shall be reduced by fifty cents for each dollar of increase, and where the sum to be raised by such increase is seven hundred fifty million dollars or more, then such rebate shall be eliminated. The determination of the reduction or elimination of such rebate shall be set forth in such resolution after consultation with the department of finance of such city and shall take effect upon the final adoption of such resolution. Such rebate shall be paid to an owner or tenant-stockholder who, as of the date the application provided for in subdivision four of this section is due, owns a one, two [or], three, FOUR, FIVE OR SIX family residence or a dwelling unit in residential property held in the condominium or cooperative form of ownership that is the owner or tenant-stockholder's primary residence and meets all other eligibility requirements of this section. Notwithstanding anything to the contrary in sections four hundred twenty-one-a, four hundred twenty-one-b or four hundred twenty-one-g of this title, an owner or tenant-stockholder whose property is receiving benefits pursuant to such sections shall not be prohibited from receiving a rebate pursuant to this section if such owner or tenant-stockholder is otherwise eligible to receive such rebate. Tenant-stockholders of dwelling units in a cooperative apartment corporation incorporated as a mutual company pursuant to article two, four, five or eleven of the private housing finance law shall not be entitled to the rebate authorized by this section. Such rebate shall be paid by the commissioner of finance to eligible owners or tenant-stockholders in accordance with rules promulgated by the commissioner of finance.

S 3. Subparagraph 1 of paragraph a of subdivision 2 of section 467-e of the real property tax law, as added by section 1 of part V of chapter 60 of the laws of 2004, is amended to read as follows:

(1) the property must be a one, two [or], three, FOUR, FIVE OR SIX family residence or residential property held in the condominium or cooperative form of ownership;

S 4. Paragraph c of subdivision 3 of section 467-e of the real property tax law, as added by section 1 of part V of chapter 60 of the laws of 2004, is amended to read as follows:

c. "Property" means a one, two [or], three, FOUR, FIVE OR SIX family residence or a dwelling unit in residential property held in the condominium or cooperative form of ownership.

1 S 5. 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] SEVENTEEN, 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 and ending on
13 the thirtieth of June, two thousand six, shall be made no later than the
14 fifteenth of March of the fiscal year for which the rebate is claimed.
15 An application for a rebate pursuant to this section for fiscal years
16 beginning on or after the first of July, two thousand six, shall be made
17 no later than the first of September following the fiscal year for which
18 the rebate is claimed.] All owners or tenant-stockholders of property
19 who primarily reside thereon must jointly file an application for the
20 rebate on or before the application deadline, unless such owners or
21 tenant-stockholders currently receive a real property tax exemption
22 pursuant to section four hundred twenty-five, four hundred fifty-eight,
23 four hundred fifty-eight-a, four hundred fifty-nine-c or four hundred
24 sixty-seven of this title, in which case no separate application for a
25 rebate pursuant to this section shall be required. Such application may
26 be filed by mail if it is enclosed in a postpaid envelope properly
27 addressed to the commissioner of finance, deposited in a post office or
28 official depository under the exclusive care of the United States postal
29 service, and postmarked by the United States postal service on or before
30 the application deadline. Each such application shall be made on a form
31 prescribed by the commissioner of finance, which shall require the
32 applicant to agree to notify the commissioner of finance if his, her or
33 their primary residence changes after receiving the rebate pursuant to
34 this section, or after filing an application for such rebate, if his,
35 her or their primary residence changes after filing such application,
36 but before receiving such rebate. The commissioner of finance may
37 request that proof of primary residence be submitted with the applica-
38 tion. No rebate pursuant to this section shall be granted unless the
39 applicant, if required to do so by this subdivision, files an applica-
40 tion within the time [periods] PERIOD prescribed in this subdivision.

41 S 6. This act shall take effect immediately.