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2015-2016 Regular Sessions

I N S E N A T E

January 22, 2015

Introduced by Sens. LARKIN, ADDABBO, BONACIC, CARLUCCI, CROCI, LIBOUS, MARTINS, RANZENHOFER, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the real property tax law, in relation to authorizing school districts to grant an exemption to Cold War veterans

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

1 Section 1. Paragraph (a) of subdivision 2 of section 458-b of the real
2 property tax law, as amended by chapter 235 of the laws of 2009, is
3 amended to read as follows:

4 (a) Each county, city, town or village may adopt a local law, AND EACH
5 SCHOOL DISTRICT MAY ADOPT A RESOLUTION, to provide that qualifying resi-
6 dential real property shall be exempt from taxation to the extent of
7 either: (i) ten percent of the assessed value of such property; provided
8 however, that such exemption shall not exceed eight thousand dollars or
9 the product of eight thousand dollars multiplied by the latest state
10 equalization rate of the assessing unit, or, in the case of a special
11 assessing unit, the latest class ratio, whichever is less or; (ii)
12 fifteen percent of the assessed value of such property; provided howev-
13 er, that such exemption shall not exceed twelve thousand dollars or the
14 product of twelve thousand dollars multiplied by the latest state equal-
15 ization rate for the assessing unit, or, in the case of a special
16 assessing unit, the latest class ratio, whichever is less.

17 S 2. Subparagraphs (i) and (iii) of paragraph (c) of subdivision 2 of
18 section 458-b of the real property tax law, as amended by chapter 235 of
19 the laws of 2009, subparagraph (iii) as further amended by subdivision
20 (b) of section 1 of part W of chapter 56 of the laws of 2010, are
21 amended to read as follows:

22 (i) The exemption from taxation provided by this subdivision shall be
23 applicable to county, city, town, [and] village, AND SCHOOL DISTRICT

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

LBD04575-01-5

1 taxation[, but shall not be applicable to taxes levied for school
2 purposes].

3 (iii) The exemption provided by paragraph (a) of this subdivision
4 shall be granted for a period of ten years. The commencement of such ten
5 year period shall be governed pursuant to this subparagraph. Where a
6 qualified owner owns qualifying residential real property on the effec-
7 tive date of the local law OR RESOLUTION providing for such exemption,
8 such ten year period shall be measured from the assessment roll prepared
9 pursuant to the first taxable status date occurring on or after the
10 effective date of the local law OR RESOLUTION providing for such
11 exemption. Where a qualified owner does not own qualifying residential
12 real property on the effective date of the local law OR RESOLUTION
13 providing for such exemption, such ten year period shall be measured
14 from the assessment roll prepared pursuant to the first taxable status
15 date occurring at least sixty days after the date of purchase of quali-
16 fying residential real property; provided, however, that should the
17 veteran apply for and be granted an exemption on the assessment roll
18 prepared pursuant to a taxable status date occurring within sixty days
19 after the date of purchase of residential real property, such ten year
20 period shall be measured from the first assessment roll in which the
21 exemption occurs. If, before the expiration of such ten year period,
22 such exempt property is sold and replaced with other residential real
23 property, such exemption may be granted pursuant to this subdivision for
24 the unexpired portion of the ten year exemption period. Each county,
25 city, town or village may adopt a local law, AND SCHOOL DISTRICT MAY
26 ADOPT A RESOLUTION, to reduce the maximum exemption allowable in para-
27 graphs (a) and (b) of this subdivision to six thousand dollars, nine
28 thousand dollars and thirty thousand dollars, respectively, or four
29 thousand dollars, six thousand dollars and twenty thousand dollars,
30 respectively. Each county, city, town, or village is also authorized to
31 adopt a local law, AND SCHOOL DISTRICT MAY ADOPT A RESOLUTION, to
32 increase the maximum exemption allowable in paragraphs (a) and (b) of
33 this subdivision to ten thousand dollars, fifteen thousand dollars and
34 fifty thousand dollars, respectively; twelve thousand dollars, eighteen
35 thousand dollars and sixty thousand dollars, respectively; fourteen
36 thousand dollars, twenty-one thousand dollars and seventy thousand
37 dollars, respectively; sixteen thousand dollars, twenty-four thousand
38 dollars and eighty thousand dollars, respectively; eighteen thousand
39 dollars, twenty-seven thousand dollars and ninety thousand dollars,
40 respectively; twenty thousand dollars, thirty thousand dollars and one
41 hundred thousand dollars, respectively; twenty-two thousand dollars,
42 thirty-three thousand dollars and one hundred ten thousand dollars,
43 respectively; twenty-four thousand dollars, thirty-six thousand dollars
44 and one hundred twenty thousand dollars, respectively. In addition, a
45 county, city, town or village which is a "high-appreciation munici-
46 pality" as defined in this subparagraph is authorized to adopt a local
47 law, AND EACH SCHOOL DISTRICT WHICH IS WITHIN A HIGH-APPRECIATION MUNI-
48 CIPALITY IS AUTHORIZED TO ADOPT A RESOLUTION, to increase the maximum
49 exemption allowable in paragraphs (a) and (b) of this subdivision to
50 twenty-six thousand dollars, thirty-nine thousand dollars and one
51 hundred thirty thousand dollars, respectively; twenty-eight thousand
52 dollars, forty-two thousand dollars and one hundred forty thousand
53 dollars, respectively; thirty thousand dollars, forty-five thousand
54 dollars and one hundred fifty thousand dollars, respectively; thirty-two
55 thousand dollars, forty-eight thousand dollars and one hundred sixty
56 thousand dollars, respectively; thirty-four thousand dollars, fifty-one

1 thousand dollars and one hundred seventy thousand dollars, respectively;
2 thirty-six thousand dollars, fifty-four thousand dollars and one hundred
3 eighty thousand dollars, respectively. For purposes of this subpara-
4 graph, a "high-appreciation municipality" means: (A) a special assessing
5 unit that is a city, (B) a county for which the commissioner has estab-
6 lished a sales price differential factor for purposes of the STAR
7 exemption authorized by section four hundred twenty-five of this title
8 in three consecutive years, and (C) a city, town or village which is
9 wholly or partly located within such a county.

10 S 3. Subdivision 5 of section 458-b of the real property tax law, as
11 added by chapter 655 of the laws of 2007, is amended to read as follows:

12 5. A local law OR RESOLUTION adopted pursuant to this section may be
13 repealed by the governing body of the applicable county, city, town,
14 [or] village OR SCHOOL DISTRICT. Such repeal shall occur at least nine-
15 ty days prior to the taxable status date of such county, city, town,
16 [or] village OR SCHOOL DISTRICT.

17 S 4. This act shall take effect immediately.