

7859

I N S E N A T E

May 18, 2016

Introduced by Sen. STEWART-COUSINS -- 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 increasing the amount of income property owners may earn for the purpose of eligibility for the property tax exemption for persons sixty-five years of age or over and for persons with disabilities and limited income

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

1 Section 1. Paragraph (a) of subdivision 3 of section 467 of the real
2 property tax law, as amended by chapter 259 of the laws of 2009, is
3 amended to read as follows:
4 (a) if the income of the owner or the combined income of the owners of
5 the property for the income tax year immediately preceding the date of
6 making application for exemption exceeds the sum of three thousand
7 dollars, or such other sum not less than three thousand dollars nor more
8 than twenty-six thousand dollars beginning July first, two thousand six,
9 twenty-seven thousand dollars beginning July first, two thousand seven,
10 twenty-eight thousand dollars beginning July first, two thousand eight,
11 [and] twenty-nine thousand dollars beginning July first, two thousand
12 nine, AND FIFTY THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND
13 SIXTEEN, as may be provided by the local law, ordinance or resolution
14 adopted pursuant to this section. Income tax year shall mean the twelve
15 month period for which the owner or owners filed a federal personal
16 income tax return, or if no such return is filed, the calendar year.
17 Where title is vested in either the husband or the wife, their combined
18 income may not exceed such sum, except where the husband or wife, or
19 ex-husband or ex-wife is absent from the property as provided in subparagraph (ii) of paragraph (d) of this subdivision, then only the income
20 of the spouse or ex-spouse residing on the property shall be considered
21 and may not exceed such sum. Such income shall include social security
22 and retirement benefits, interest, dividends, total gain from the sale
23 or exchange of a capital asset which may be offset by a loss from the
24 sale or exchange of a capital asset in the same income tax year, net
25 rental income, salary or earnings, and net income from self-employment,
26 but shall not include a return of capital, gifts, inheritances, payments
27 made to individuals because of their status as victims of Nazi persecution,
28 as defined in P.L. 103-286 or monies earned through employment
29

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

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1 in the federal foster grandparent program and any such income shall be
2 offset by all medical and prescription drug expenses actually paid which
3 were not reimbursed or paid for by insurance, if the governing board of
4 a municipality, after a public hearing, adopts a local law, ordinance or
5 resolution providing therefor. Furthermore, such income shall not
6 include the proceeds of a reverse mortgage, as authorized by section
7 six-h of the banking law, and sections two hundred eighty and two
8 hundred eighty-a of the real property law; provided, however, that
9 monies used to repay a reverse mortgage may not be deducted from income,
10 and provided additionally that any interest or dividends realized from
11 the investment of reverse mortgage proceeds shall be considered income.
12 The provisions of this paragraph notwithstanding, such income shall not
13 include veterans disability compensation, as defined in Title 38 of the
14 United States Code provided the governing board of such municipality,
15 after public hearing, adopts a local law, ordinance or resolution
16 providing therefor. In computing net rental income and net income from
17 self-employment no depreciation deduction shall be allowed for the
18 exhaustion, wear and tear of real or personal property held for the
19 production of income;

20 S 2. Paragraph (a) of subdivision 5 of section 459-c of the real prop-
21 erty tax law, as separately amended by chapters 187 and 252 of the laws
22 of 2006, is amended to read as follows:

23 (a) if the income of the owner or the combined income of the owners of
24 the property for the income tax year immediately preceding the date of
25 making application for exemption exceeds the sum of three thousand
26 dollars, or such other sum not less than three thousand dollars nor more
27 than twenty-six thousand dollars beginning July first, two thousand six,
28 twenty-seven thousand dollars beginning July first, two thousand seven,
29 twenty-eight thousand dollars beginning July first, two thousand eight,
30 [and] twenty-nine thousand dollars beginning July first, two thousand
31 nine AND FIFTY THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND
32 SIXTEEN, as may be provided by the local law or resolution adopted
33 pursuant to this section. Income tax year shall mean the twelve month
34 period for which the owner or owners filed a federal personal income tax
35 return, or if no such return is filed, the calendar year. Where title is
36 vested in either the husband or the wife, their combined income may not
37 exceed such sum, except where the husband or wife, or ex-husband or
38 ex-wife is absent from the property due to divorce, legal separation or
39 abandonment, then only the income of the spouse or ex-spouse residing on
40 the property shall be considered and may not exceed such sum. Such
41 income shall include social security and retirement benefits, interest,
42 dividends, total gain from the sale or exchange of a capital asset which
43 may be offset by a loss from the sale or exchange of a capital asset in
44 the same income tax year, net rental income, salary or earnings, and net
45 income from self-employment, but shall not include a return of capital,
46 gifts, inheritances or monies earned through employment in the federal
47 foster grandparent program and any such income shall be offset by all
48 medical and prescription drug expenses actually paid which were not
49 reimbursed or paid for by insurance, if the governing board of a munici-
50 pality, after a public hearing, adopts a local law or resolution provid-
51 ing therefor. In computing net rental income and net income from self-
52 employment no depreciation deduction shall be allowed for the
53 exhaustion, wear and tear of real or personal property held for the
54 production of income;

55 S 3. This act shall take effect immediately.