

STATE OF NEW YORK

5969

2017-2018 Regular Sessions

IN ASSEMBLY

February 21, 2017

Introduced by M. of A. GALEF, ZEBROWSKI, MORELLE, SCHIMMINGER, GANTT, MAGEE, ENGLEBRIGHT, CAHILL, PAULIN, LIFTON, PEOPLES-STOKES, GUNTHER, LUPARDO, JAFFEE, JENNE, THIELE, ABINANTI, BARRETT, BRINDISI, BRONSON, BUCHWALD, D'URSO, FAHY, HUNTER, JEAN-PIERRE, JONES, KEARNS, MAYER, McDONALD, OTIS, RYAN, SANTABARBARA, SKARTADOS, SKOUFIS, STECK, STIRPE, WALLACE, WOERNER -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law and the tax law, in relation to removing references to the school tax relief credit; and to repeal certain provisions of such laws relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 6 of section 425 of the real property tax law, as amended by section 1 of part A of chapter 60 of the laws of 2016, is amended to read as follows:

(a) Generally. All owners of the property who primarily reside thereon ~~[and who are not subject to the provisions of subdivision sixteen of this section]~~ must jointly file an application for exemption with the assessor on or before the appropriate taxable status date. Such application may be filed by mail if it is enclosed in a postpaid envelope properly addressed to the appropriate assessor, deposited in a post office or official depository under the exclusive care of the United States postal service, and postmarked by the United States postal service on or before the applicable taxable status date. Each such application shall be made on a form prescribed by the commissioner, which shall require the applicant or applicants to agree to notify the assessor if their primary residence changes while their property is receiving the exemption. The assessor may request that proof of residency be submitted with the application. If the applicant requests a receipt from the assessor as proof of submission of the application, the assessor shall provide such receipt. If such request is made by other than personal

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

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request, the applicant shall provide the assessor with a self-addressed postpaid envelope in which to mail the receipt.

§ 2. Subdivision 16 of section 425 of the real property tax law is REPEALED.

§ 3. Subdivision 2 of section 496 of the real property tax law, as amended by section 3 of part A of chapter 60 of the laws of 2016, is amended to read as follows:

2. An application to renounce an exemption shall be made on a form prescribed by the commissioner and shall be filed with the county director of real property tax services no later than ten years after the levy of taxes upon the assessment roll on which the renounced exemption appears. The county director, after consulting with the assessor as appropriate, shall compute the total amount owed on account of the renounced exemption as follows:

(a) For each assessment roll on which the renounced exemption appears, the assessed value that was exempted shall be multiplied by the tax rate or rates that were applied to that assessment roll. Interest shall then be added to each such product at the rate prescribed by section nine hundred twenty-four-a of this chapter or such other law as may be applicable for each month or portion thereon since the levy of taxes upon such assessment roll.

(b) The sum of the calculations made pursuant to paragraph (a) of this subdivision with respect to all of the assessment rolls in question shall be determined.

(c) A processing fee of five hundred dollars shall be added to the sum determined pursuant to paragraph (b) of this subdivision~~[, unless the provisions of paragraph (d) of this subdivision are applicable.~~

~~(d) If the applicant is renouncing a STAR exemption in order to qualify for the personal income tax credit authorized by subsection (eee) of section six hundred six of the tax law, and no other exemptions are being renounced on the same application, no processing fee shall be applicable].~~

§ 4. Subdivision 6 of section 1306-a of the real property tax law is REPEALED.

§ 5. Subparagraph (A) of paragraph 3 of subsection (eee) of section 606 of the tax law, as amended by section 8 of part A of chapter 73 of the laws of 2016, is amended to read as follows:

(A) ~~[Beginning with]~~ For the taxable ~~[years after]~~ year two thousand ~~[fifteen]~~ sixteen, a basic STAR credit shall be available to a qualified taxpayer if the affiliated income of the parcel that serves as the taxpayer's primary residence is less than or equal to five hundred thousand dollars.

§ 6. The opening paragraph of subparagraph (A) of paragraph 4 of subsection (eee) of section 606 of the tax law, as amended by section 8 of part A of chapter 73 of the laws of 2016, is amended to read as follows:

~~[Beginning with]~~ For the taxable ~~[years after]~~ year two thousand ~~[fifteen]~~ sixteen, an enhanced STAR credit shall be available to a qualified taxpayer where both of the following conditions are satisfied:

§ 7. Clause (iii) of subparagraph (A) of paragraph 10 of subsection (eee) of section 606 of the tax law is REPEALED.

§ 8. Paragraph (c) of subdivision 11 of section 425 of the real property tax law, as amended by section 3 of part A of chapter 73 of the laws of 2016, is amended to read as follows:

(c) Transfers of title. When the assessor has received a report pursuant to section five hundred seventy-four of this chapter of a transfer

1 of title to real property which is exempt pursuant to this section, the
2 assessor shall [~~discontinue the exemption as required by subdivision~~
3 ~~sixteen of this section~~] send the new owner or owners as shown thereon
4 an application for the exemption authorized by this section. The asses-
5 sor shall not implement the provisions of section five hundred twenty of
6 this chapter upon such a transfer, except to the extent that the proper-
7 ty may also be receiving one or more other exemptions.

8 § 9. Paragraph (c) of subdivision 6 of section 425 of the real proper-
9 ty tax law, as amended by section 4 of part A of chapter 73 of the laws
10 of 2016, is amended to read as follows:

11 (c) Senior citizens exemption. When property is eligible for the
12 senior citizens exemption authorized by section four hundred sixty-seven
13 of this article, it shall also be deemed to be eligible for the enhanced
14 exemption authorized by this section for certain senior citizens,
15 provided, where applicable, that the age requirement established by a
16 municipal corporation pursuant to subdivision five of section four
17 hundred sixty-seven of this article is satisfied, and no separate appli-
18 cation need be filed therefor. [~~Provided, however, that the provisions~~
19 ~~of this paragraph shall only apply where at least one of the applicants~~
20 ~~held title to the property on the taxable status date of the assessment~~
21 ~~roll that was used to levy school district taxes for the two thousand~~
22 ~~fifteen two thousand sixteen school year and the property was granted~~
23 ~~an exemption pursuant to this section on such assessment roll.~~]

24 § 10. Implementation for the 2017--2018 school year. The commissioner
25 of taxation and finance shall assist localities in notifying the public
26 of the provisions of this act and any action required by taxpayers to
27 receive a STAR exemption for the 2017--2018 school year. Notwithstand-
28 ing subdivision 6 of section 425 of the real property tax law, for
29 assessment rolls used to levy school district taxes for the 2017--2018
30 school year, an application for an exemption under section 425 of the
31 real property tax law shall be filed with the local assessor by the last
32 date on which a petition with respect to complaints of assessment may be
33 filed or not later than the sixtieth day after the effective date of
34 this act, whichever is later. The assessor shall approve or deny such
35 application as if it had been filed on or before the taxable status
36 date. If the assessor determines that the property is eligible for the
37 exemption, the assessor shall thereupon be authorized and directed to
38 correct the assessment roll accordingly, or, if another person has
39 custody or control of the assessment roll, to direct that person to make
40 the appropriate corrections. If the correction is not made before school
41 taxes are levied, the failure to take the exemption into account in the
42 computation of the tax shall be deemed a "clerical error" for purposes
43 of title 3 of article 5 of the real property tax law, or any comparable
44 laws governing the correction of administrative errors on assessment
45 rolls and tax rolls, and shall be corrected accordingly.

46 Notwithstanding any other provision of law to the contrary, the
47 commissioner of taxation and finance shall immediately notify local
48 assessors of the name and address of any taxpayer within their assessing
49 unit who qualified for the school tax relief (STAR) credit pursuant to
50 subsection (eee) of section 606 of the tax law for taxable year 2016, or
51 has applied for a credit for taxable year 2017 and any additional infor-
52 mation available that would assist the assessor in accurately determin-
53 ing the property's eligibility for the STAR exemption pursuant to
54 section 425 of the real property tax law. To the extent possible, the
55 local assessor shall determine the eligibility of the property for the
56 2017--2018 school year using information provided by the commissioner of

1 taxation and finance. Taxpayers who applied with the department of
2 taxation and finance for the STAR credit for the 2017--2018 school year
3 or received the STAR credit for the 2016--2017 school year, shall not be
4 required to file an application for an exemption in order to receive an
5 exemption on the same property for the 2017--2018 school year; however,
6 if a property's eligibility cannot be determined by using information
7 supplied by the department of taxation and finance, the assessor may
8 seek additional documentation from the taxpayer to prove his or her
9 eligibility. Such taxpayer shall have until the last date on which a
10 petition, with respect to complaints of assessment may be filed, to
11 supply proof of eligibility, or thirty days of such request, whichever
12 is later. The assessor shall mail notice of his or her determination to
13 such owner. If the assessor determines that the property is eligible for
14 the exemption, the assessor shall thereupon be authorized and directed
15 to correct the assessment roll accordingly, or, if another person has
16 custody or control of the assessment roll, to direct that person to make
17 the appropriate corrections. If the correction is not made before school
18 taxes are levied, the failure to take the exemption into account in the
19 computation of the tax shall be deemed a "clerical error" for purposes
20 of title 3 of article 5 of the real property tax law, or any comparable
21 laws governing the correction of administrative errors on assessment
22 rolls and tax rolls, and shall be corrected accordingly. Nothing within
23 this act shall preclude a taxpayer from seeking administrative and judi-
24 cial review of an assessor's denial of the exemption.

25 § 11. This act shall take effect immediately.