

STATE OF NEW YORK

10254--A

IN ASSEMBLY

March 27, 2018

Introduced by M. of A. BENEDETTO -- read once and referred to the Committee on Real Property Taxation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

Section 1. The section heading 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:

Rebate for owners or tenant-stockholders of one, two ~~[or]~~ three, four, five or six family residences or residential property held in the condominium or cooperative form of ownership in a city having a population of one million or more.

§ 2. Subdivision 1 of section 467-e of the real property tax law, as amended by chapter 483 of the laws of 2007, is amended to read as follows:

1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, any city having a population of one million or more is hereby authorized and empowered to adopt and amend local laws in accordance with this section to grant a rebate of real property taxes for the fiscal ~~[years]~~ year beginning on the first of July, two thousand ~~[three]~~ eighteen and ending on the thirtieth of June, two thousand ~~[nine]~~ twenty in the amount of ~~[the lesser of]~~ up to four hundred dollars ~~[or]~~ but in no case more than the annual tax liability imposed on the property. ~~[No such local law may be adopted unless, as originally adopted, it 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 three.]~~ No such rebate shall be granted by local law for any fiscal year beginning on or after the first of July, two thousand ~~[nine]~~ twenty, unless the council of such city, in fixing the annual tax rates for any such fiscal year,

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

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1 shall have uniformly reduced such rates for all classes of property in
2 order to produce real property tax relief among such classes of property
3 in an amount not less than, in the aggregate, the aggregate amount of
4 rebate paid in such fiscal year. ~~[No such local law implementing the~~
5 ~~provisions of this section, as amended by the chapter of the laws of two~~
6 ~~thousand seven which added this sentence, may be adopted unless, as~~
7 ~~originally adopted, such local law authorizes such rebate to be granted~~
8 ~~in accordance with this section for three consecutive fiscal years~~
9 ~~beginning with the fiscal year beginning on the first of July, two thou-~~
10 ~~sand six.]~~ Any rebate authorized by local law in accordance with this
11 section shall be paid in the fiscal year following the fiscal year for
12 which the rebate is granted. If, with respect to the fiscal year of such
13 city beginning on the first of July, two thousand ~~[eight]~~ eighteen and
14 ending on the thirtieth of June, two thousand ~~[nine]~~ twenty, an increase
15 in average real property tax rates would otherwise be necessary in the
16 resolution of such city council fixing real property tax rates for such
17 fiscal year pursuant to the charter of such city, then the rebate to be
18 paid for such fiscal year shall be reduced or eliminated as follows:
19 where the sum to be raised by such increase is less than seven hundred
20 fifty million dollars, then such rebate shall be reduced by fifty cents
21 for each dollar of increase, and where the sum to be raised by such
22 increase is seven hundred fifty million dollars or more, then such
23 rebate shall be eliminated. The determination of the reduction or elimi-
24 nation of such rebate shall be set forth in such resolution after
25 consultation with the department of finance of such city and shall take
26 effect upon the final adoption of such resolution. Such rebate shall be
27 paid to an owner or tenant-stockholder who, as of the date the applica-
28 tion provided for in subdivision four of this section is due, owns a
29 one, two or three family residence or a dwelling unit in residential
30 property held in the condominium or cooperative form of ownership that
31 is the owner or tenant-stockholder's primary residence and meets all
32 other eligibility requirements of this section. Such rebate may be paid
33 to an owner or tenant-stockholder who, as of the date the application
34 provided for in subdivision four of this section is due, owns a four,
35 five or six family residence or a dwelling unit in residential property
36 held in the condominium or cooperative form of ownership that is the
37 owner or tenant-stockholder's primary residence and meets all other
38 eligibility requirements of this section. Notwithstanding anything to
39 the contrary in sections four hundred twenty-one-a, four hundred twen-
40 ty-one-b or four hundred twenty-one-g of this title, an owner or
41 tenant-stockholder whose property is receiving benefits pursuant to such
42 sections shall not be prohibited from receiving a rebate pursuant to
43 this section if such owner or tenant-stockholder is otherwise eligible
44 to receive such rebate. Tenant-stockholders of dwelling units in a
45 cooperative apartment corporation incorporated as a mutual company
46 pursuant to article two, four, five or eleven of the private housing
47 finance law shall not be entitled to the rebate authorized by this
48 section. Such rebate shall be paid by the commissioner of finance to
49 eligible owners or tenant-stockholders in accordance with rules promul-
50 gated by the commissioner of finance.

51 § 3. Subparagraph 1 of paragraph a of subdivision 2 of section 467-e
52 of the real property tax law, as added by section 1 of part V of chapter
53 60 of the laws of 2004, is amended to read as follows:

54 (1) the property must be a one, two or three family residence or resi-
55 dential property held in the condominium or cooperative form of owner-

1 ship or may be a four, five or six family residence or residential prop-
2 erty held in the condominium of cooperative form of ownership;

3 § 4. Paragraph c of subdivision 3 of section 467-e of the real proper-
4 ty tax law, as added by section 1 of part V of chapter 60 of the laws of
5 2004, is amended to read as follows:

6 c. "Property" means a one, two [~~or~~], three, four, five or six family
7 residence or a dwelling unit in residential property held in the condo-
8 minium or cooperative form of ownership.

9 § 5. Paragraph a of subdivision 4 of section 467-e of the real proper-
10 ty tax law, as amended by chapter 483 of the laws of 2007, is amended to
11 read as follows:

12 a. Generally. Notwithstanding any provision of any general, special or
13 local law to the contrary, an application for a rebate pursuant to this
14 section for the fiscal year beginning the first of July, two thousand
15 [~~three~~] eighteen, shall be made no later than the date published by the
16 commissioner of finance in the city record and in other appropriate
17 general notices pursuant to this subdivision, which date shall be no
18 earlier than thirty days after the effective date of this subdivision.

19 [~~An application for a rebate pursuant to this section for fiscal years~~
20 ~~beginning on or after the first of July, two thousand four and ending on~~
21 ~~the thirtieth of June, two thousand six, shall be made no later than the~~
22 ~~fifteenth of March of the fiscal year for which the rebate is claimed.~~
23 ~~An application for a rebate pursuant to this section for fiscal years~~
24 ~~beginning on or after the first of July, two thousand six, shall be made~~
25 ~~no later than the first of September following the fiscal year for which~~
26 ~~the rebate is claimed.~~]

27 All owners or tenant-stockholders of property
28 who primarily reside thereon must jointly file an application for the
29 rebate on or before the application deadline, unless such owners or
30 tenant-stockholders currently receive a real property tax exemption
31 pursuant to section four hundred twenty-five, four hundred fifty-eight,
32 four hundred fifty-eight-a, four hundred fifty-nine-c or four hundred
33 sixty-seven of this title, in which case no separate application for a
34 rebate pursuant to this section shall be required. Such application may
35 be filed by mail if it is enclosed in a postpaid envelope properly
36 addressed to the commissioner of finance, deposited in a post office or
37 official depository under the exclusive care of the United States postal
38 service, and postmarked by the United States postal service on or before
39 the application deadline. Each such application shall be made on a form
40 prescribed by the commissioner of finance, which shall require the
41 applicant to agree to notify the commissioner of finance if his, her or
42 their primary residence changes after receiving the rebate pursuant to
43 this section, or after filing an application for such rebate, if his,
44 her or their primary residence changes after filing such application,
45 but before receiving such rebate. The commissioner of finance may
46 request that proof of primary residence be submitted with the applica-
47 tion. No rebate pursuant to this section shall be granted unless the
48 applicant, if required to do so by this subdivision, files an applica-
49 tion within the time [~~periods~~] period prescribed in this subdivision.

§ 6. This act shall take effect immediately.