

# STATE OF NEW YORK

2829

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

Introduced by M. of A. GOTTFRIED, SEPULVEDA -- Multi-Sponsored by -- M. of A. BARNWELL, CARROLL -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to allowing for increases in the amount of income property owners may earn for purposes of qualification for certain tax exemptions

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

Section 1. Paragraph (a) of subdivision 3 of section 467 of the real property tax law, as amended by chapter 259 of the laws of 2009, is amended to read as follows:

(a) if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of three thousand dollars, or such other sum not less than three thousand dollars [~~nor more than twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine~~], fifty thousand dollars beginning July first, two thousand [~~nine~~] sixteen, as may be provided by the local law, ordinance or resolution adopted pursuant to this section; provided, however, beginning July first, two thousand nineteen and every two years thereafter, the maximum allowable income shall increase by the product of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the two year period rounded to the nearest one thousand dollars. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or

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

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1 ex-husband or ex-wife is absent from the property as provided in subpar-  
2 agraph (ii) of paragraph (d) of this subdivision, then only the income  
3 of the spouse or ex-spouse residing on the property shall be considered  
4 and may not exceed such sum. Such income shall include social security  
5 and retirement benefits, interest, dividends, total gain from the sale  
6 or exchange of a capital asset which may be offset by a loss from the  
7 sale or exchange of a capital asset in the same income tax year, net  
8 rental income, salary or earnings, and net income from self-employment,  
9 but shall not include a return of capital, gifts, inheritances, payments  
10 made to individuals because of their status as victims of Nazi perse-  
11 cution, as defined in P.L. 103-286 or monies earned through employment  
12 in the federal foster grandparent program and any such income shall be  
13 offset by all medical and prescription drug expenses actually paid which  
14 were not reimbursed or paid for by insurance, if the governing board of  
15 a municipality, after a public hearing, adopts a local law, ordinance or  
16 resolution providing therefor. Furthermore, such income shall not  
17 include the proceeds of a reverse mortgage, as authorized by section  
18 six-h of the banking law, and sections two hundred eighty and two  
19 hundred eighty-a of the real property law; provided, however, that  
20 monies used to repay a reverse mortgage may not be deducted from income,  
21 and provided additionally that any interest or dividends realized from  
22 the investment of reverse mortgage proceeds shall be considered income.  
23 The provisions of this paragraph notwithstanding, such income shall not  
24 include veterans disability compensation, as defined in Title 38 of the  
25 United States Code provided the governing board of such municipality,  
26 after public hearing, adopts a local law, ordinance or resolution  
27 providing therefor. In computing net rental income and net income from  
28 self-employment no depreciation deduction shall be allowed for the  
29 exhaustion, wear and tear of real or personal property held for the  
30 production of income;

31 § 2. This act shall take effect immediately.