

# STATE OF NEW YORK

5135

2017-2018 Regular Sessions

## IN ASSEMBLY

February 6, 2017

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the real property tax law, in relation to veterans

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

1 Section 1. Paragraph 3 of subdivision 1 of section 458 of the real  
2 property tax law, as amended by chapter 733 of the laws of 1959, is  
3 amended to read as follows:

4 (3) If the assessors are satisfied that the applicant is entitled to  
5 any exemption, they shall make appropriate entries upon the assessment-  
6 roll opposite the description of such property and subtract the total  
7 amount of such exemption from the total amount assessed pursuant to the  
8 provisions of paragraph one of this subdivision. Such entries shall be  
9 made and continued in each assessment of the property so long as it is  
10 exempt from taxation for any purpose. Such real property, to the extent  
11 of the exemption entered by the assessors, shall be exempt from state,  
12 county and general municipal taxation~~[, but shall be taxable for local~~  
13 ~~school purposes]~~. The governing body of a school district in which such  
14 property is located or, in the case of a city with a population of one  
15 million or more, the local legislative body, may, after public hearings,  
16 adopt a local law, ordinance or resolution providing for an exemption  
17 for local school purposes. The provisions herein, relating to the  
18 assessment and exemption of property purchased with eligible funds apply  
19 and shall be enforced in each municipal corporation authorized to levy  
20 taxes.

21 § 2. Paragraph (a) of subdivision 5 of section 458 of the real proper-  
22 ty tax law, as amended by chapter 625 of the laws of 1995, and as  
23 further amended by subdivision (b) of section 1 of part W of chapter 56  
24 of the laws of 2010, is amended to read as follows:

25 (a) Notwithstanding the limitation on the amount of exemption  
26 prescribed in subdivision one or two of this section, upon adoption of a

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

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1 local law by the governing board of a county, city, town [~~ex~~], village,  
2 school district or, in the case of a city with a population of one  
3 million or more, the local legislative body, that levies taxes or for  
4 which taxes are levied on an assessment roll, if the total assessed  
5 value of the real property for which such exemption has been granted  
6 increases or decreases as the result of a revaluation or update of  
7 assessments, and a material change in level of assessment, as provided  
8 in title two of article twelve of this chapter, is certified for the  
9 assessment roll pursuant to the rules of the commissioner, the assessor  
10 shall increase or decrease the amount of such exemption by multiplying  
11 the amount of such exemption by the change in level of assessment  
12 factor. If the assessor receives the certification after the completion,  
13 verification and filing of the final assessment roll, the assessor shall  
14 certify the amount of exemption as recomputed pursuant to this paragraph  
15 to the local officers having custody and control of the roll, and such  
16 local officers are hereby directed and authorized to enter the recom-  
17 puted exemption certified by the assessor on the roll.

18 § 3. Subparagraph (ii) of paragraph (d) of subdivision 5 of section  
19 458 of the real property tax law, as added by chapter 178 of the laws of  
20 1997, is amended to read as follows:

21 (ii) An assessing unit which finally files a change in level of  
22 assessment roll in or after the calendar year nineteen hundred ninety-  
23 eight may, pursuant to local law, ordinance or resolution adopted by the  
24 governing board of a county, city, town [~~ex~~], village, school district  
25 or, in the case of a city with a population of one million or more, the  
26 local legislative body, that levies taxes or for which taxes are levied  
27 on an assessment roll, grant to every veteran who is entitled to any  
28 additional eligible funds a recompute exemption in lieu of the exemption  
29 otherwise authorized by this subdivision. Such recompute exemption may  
30 be granted on any change in level of assessment roll filed in or after  
31 calendar year nineteen hundred ninety-eight. A local law adopted pursu-  
32 ant to this paragraph [~~(d)~~] shall not be subject to referendum.

33 § 4. Subparagraph (i) of paragraph (a) of subdivision 6 of section 458  
34 of the real property tax law, as amended by chapter 625 of the laws of  
35 1995, is amended to read as follows:

36 (i) Except as otherwise provided in subparagraph (ii) of this para-  
37 graph, no new exemption may be granted pursuant to subdivision one or  
38 former subdivision five of this section on an assessment roll based upon  
39 a taxable status date occurring on or after March second, nineteen  
40 hundred eighty-six, except for purposes of taxes levied by or on behalf  
41 of a county, city, town or village that has enacted and has in effect a  
42 local law as provided in paragraph (a) of subdivision four of section  
43 four hundred fifty-eight-a of this [~~chapter~~] title. Notwithstanding the  
44 foregoing, the owner of real property receiving an exemption pursuant to  
45 subdivision one or former subdivision five of this section prior to  
46 March second, nineteen hundred eighty-six may continue to receive the  
47 exemption on the property to which it is applicable.

48 § 5. Subdivision 9 of section 458 of the real property tax law, as  
49 amended by chapter 538 of the laws of 2015, is amended to read as  
50 follows:

51 9. Notwithstanding the provisions of subdivision one of this section,  
52 the governing body of any municipality may, after public hearing, adopt  
53 a local law, ordinance or resolution providing where a veteran, the  
54 spouse of the veteran or unremarried surviving spouse already receiving  
55 an exemption pursuant to this section sells the property receiving the  
56 exemption and purchases property within the same county or school

1 **district**, or in the case of a city having a population of one million or  
2 more persons, within the same city, the assessor shall transfer and  
3 prorate, for the remainder of the fiscal year, the exemption which the  
4 veteran, the spouse of the veteran or unremarried surviving spouse  
5 received. The prorated exemption shall be based upon the date the veter-  
6 an, the spouse of the veteran or unremarried surviving spouse obtains  
7 title to the new property and shall be calculated by multiplying the tax  
8 rate or rates for each municipal corporation which levied taxes, or for  
9 which taxes were levied, on the appropriate tax roll used for the fiscal  
10 year or years during which the transfer occurred times the previously  
11 granted exempt amount times the fraction of each fiscal year or years  
12 remaining subsequent to the transfer of title. Nothing in this section  
13 shall be construed to remove the requirement that any such veteran, the  
14 spouse of the veteran or unremarried surviving spouse transferring an  
15 exemption pursuant to this subdivision shall reapply for the exemption  
16 authorized pursuant to this section on or before the following taxable  
17 status date, in the event such veteran, the spouse of the veteran or  
18 unremarried surviving spouse wishes to receive the exemption in future  
19 fiscal years.

20 § 6. This act shall take effect immediately.