

STATE OF NEW YORK

4136--B

Cal. No. 326

2017-2018 Regular Sessions

IN SENATE

February 3, 2017

Introduced by Sens. LANZA, FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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

1 eligible owners or tenant-stockholders in accordance with rules promul-
2 gated by the commissioner of finance.

3 § 3. Subparagraph 1 of paragraph a of subdivision 2 of section 467-e
4 of the real property tax law, as added by section 1 of part V of chapter
5 60 of the laws of 2004, is amended to read as follows:

6 (1) the property must be a one, two or three family residence or resi-
7 dential property held in the condominium or cooperative form of owner-
8 ship or may be a four, five or six family residence or residential prop-
9 erty held in the condominium of cooperative form of ownership;

10 § 4. Paragraph c of subdivision 3 of section 467-e of the real proper-
11 ty tax law, as added by section 1 of part V of chapter 60 of the laws of
12 2004, is amended to read as follows:

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

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

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

26 [~~An application for a rebate pursuant to this section for fiscal years~~
27 ~~beginning on or after the first of July, two thousand four and ending on~~
28 ~~the thirtieth of June, two thousand six, shall be made no later than the~~
29 ~~fifteenth of March of the fiscal year for which the rebate is claimed.~~
30 ~~An application for a rebate pursuant to this section for fiscal years~~
31 ~~beginning on or after the first of July, two thousand six, shall be made~~
32 ~~no later than the first of September following the fiscal year for which~~
33 ~~the rebate is claimed.~~] All owners or tenant-stockholders of property

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

56 § 6. This act shall take effect immediately.