

# STATE OF NEW YORK

571

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to allowable increases in property income for persons with disabilities and limited incomes 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:

1 Section 1. Paragraph (a) of subdivision 5 of section 459-c of the real  
2 property tax law, as separately amended by chapters 187 and 252 of the  
3 laws of 2006, is amended to read as follows:

4 (a) if the income of the owner or the combined income of the owners of  
5 the property for the income tax year immediately preceding the date of  
6 making application for exemption exceeds the sum of three thousand  
7 dollars, or such other sum not less than three thousand dollars [~~nor~~  
8 ~~more than twenty-six thousand dollars beginning July first, two thousand~~  
9 ~~six, twenty-seven thousand dollars beginning July first, two thousand~~  
10 ~~seven, twenty-eight thousand dollars beginning July first, two thousand~~  
11 ~~eight, and twenty-nine~~], fifty thousand dollars beginning July first,  
12 two thousand [~~nine~~] seventeen, as may be provided by the local law or  
13 resolution adopted pursuant to this section; provided, however, begin-  
14 ning July first, two thousand nineteen and every two years thereafter,  
15 the maximum allowable income shall increase by the product of the aver-  
16 age annual percentage changes in the consumer price index for all urban  
17 consumers (CPI-U) as published by the United States department of labor  
18 bureau of labor statistics for the two year period rounded to the near-  
19 est one thousand dollars. Income tax year shall mean the twelve month  
20 period for which the owner or owners filed a federal personal income tax  
21 return, or if no such return is filed, the calendar year. Where title is  
22 vested in either the husband or the wife, their combined income may not  
23 exceed such sum, except where the husband or wife, or ex-husband or

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

LBD02693-01-7

1 ex-wife is absent from the property due to divorce, legal separation or  
2 abandonment, then only the income of the spouse or ex-spouse residing on  
3 the property shall be considered and may not exceed such sum. Such  
4 income shall include social security and retirement benefits, interest,  
5 dividends, total gain from the sale or exchange of a capital asset which  
6 may be offset by a loss from the sale or exchange of a capital asset in  
7 the same income tax year, net rental income, salary or earnings, and net  
8 income from self-employment, but shall not include a return of capital,  
9 gifts, inheritances or monies earned through employment in the federal  
10 foster grandparent program and any such income shall be offset by all  
11 medical and prescription drug expenses actually paid which were not  
12 reimbursed or paid for by insurance, if the governing board of a munici-  
13 pality, after a public hearing, adopts a local law or resolution provid-  
14 ing therefor. In computing net rental income and net income from self-  
15 employment no depreciation deduction shall be allowed for the  
16 exhaustion, wear and tear of real or personal property held for the  
17 production of income;

18 § 2. This act shall take effect immediately.