

# STATE OF NEW YORK

6864--A

2017-2018 Regular Sessions

## IN SENATE

September 6, 2017

Introduced by Sens. GALLIVAN, JACOBS, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- 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 establishing a senior citizen longtime resident exemption in certain municipalities

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

1 Section 1. The real property tax law is amended by adding a new  
2 section 467-k to read as follows:

3 § 467-k. Senior citizen longtime resident exemption. 1. Establishment.  
4 Any municipal corporation, after conducting a public hearing, may adopt  
5 a local law to grant a senior citizen longtime resident exemption pursu-  
6 ant to this section.

7 2. Eligibility. a. No exemption shall be granted pursuant to this  
8 section unless:

9 (1) the property is a one-, two- or three-family residential property  
10 located within a United States census tract that has a median income not  
11 exceeding sixteen thousand fifty-six dollars according to the two thou-  
12 sand ten decennial census. A municipal corporation adopting the  
13 provisions of this section may by local law further limit the exemption  
14 to specific areas within such municipality experiencing an increase in  
15 property values due to new development occurring therein, which put  
16 senior citizen longtime residents at risk of displacement;

17 (2) the property serves as the primary residence of one or more of the  
18 owners;

19 (3) all of the owners are at least sixty-five years of age or older,  
20 or in the case of property owned by husband and wife or by siblings, one  
21 of the owners is at least sixty-five years of age, as of the taxable  
22 status date. At the option of the municipal corporation, which shall be  
23 specified in the local law adopting the provisions of this section, any

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

LBD05536-05-7

1 person otherwise qualifying under this section shall not be denied the  
2 exemption under this section if he or she becomes sixty-five years of  
3 age after the appropriate taxable status date and on or before December  
4 thirty-first of the same year;

5 (4) one or more of the owners has owned and resided in the property  
6 for no fewer than twenty-five consecutive years; and

7 (5) the total household income does not exceed thirty thousand dollars  
8 for the latest preceding income tax year prior to the date of applica-  
9 tion for such exemption. The term "income" as used in this section shall  
10 mean the "adjusted gross income" for federal income tax purposes as  
11 reported on the applicant's federal or state income tax return for the  
12 applicable income tax year, subject to any subsequent amendments or  
13 revisions, reduced by distributions, to the extent included in federal  
14 adjusted gross income, received from an individual retirement account  
15 and an individual retirement annuity; provided that if no such return  
16 was filed for the applicable income tax year, "income" shall mean the  
17 adjusted gross income that would have been so reported if such a return  
18 had been filed.

19 3. Calculation of exemption. a. Except as provided in paragraph b of  
20 this subdivision, a senior citizen longtime resident shall be exempt  
21 from taxation and special ad valorem levies for every year in which the  
22 property's current assessment exceeds the "base assessment." For the  
23 purposes of this section the "base assessment" shall be the assessment  
24 that appeared on the assessment roll immediately preceding the first  
25 year in which an exemption was granted pursuant to this section. The  
26 assessor shall annually calculate the exemption by subtracting the "base  
27 assessment" from the current year's assessment.

28 b. Notwithstanding the provisions of paragraph a of this subdivision,  
29 no exemption shall be allowed to the extent that the assessment  
30 increased due to one or more of the following events:

31 (1) a physical improvement made to the property;

32 (2) a removal or reduction of an exemption on the eligible taxpayer's  
33 primary residence, including a reduction of the STAR exempt amount  
34 calculated pursuant to subdivision two of section four hundred twenty-  
35 five of this title; or

36 (3) a revaluation that caused the assessment of the eligible taxpay-  
37 er's primary residence to increase by a percentage that is less than or  
38 equal to the applicable change in level of assessment. As used in this  
39 section, the terms "revaluation" and "change in level of assessment"  
40 shall have the same meanings as set forth in sections one hundred two  
41 and twelve hundred twenty of this chapter, respectively.

42 4. Application for such exemption shall be made annually on a form  
43 prescribed by the commissioner. Such application shall be made to the  
44 applicable assessor on or before the taxable status date. No application  
45 for such exemption shall be granted unless the eligibility criteria of  
46 subdivision two of this section are met.

47 5. In the event that a property granted an exemption pursuant to this  
48 section transfers ownership or otherwise ceases to meet the eligibility  
49 requirements of the exemption in subdivision two of this section, the  
50 exemption granted pursuant to this section shall be discontinued. Upon  
51 determining that an exemption granted pursuant to this section should be  
52 discontinued, the applicable assessor shall mail a notice so stating to  
53 the owner or owners thereof at the time and in the manner provided by  
54 section five hundred ten of this chapter.

55 6. The applicable assessor shall, on or before December first, mail to  
56 each person who was granted an exemption pursuant to this section for

1 the current fiscal year, an application form for an exemption and a  
2 notice that such application must be filed no later than the taxable  
3 status date in order for the exemption to be granted or continued. Fail-  
4 ure to mail any such application form or notice or the failure of such  
5 person or persons to receive the same shall not prevent the levy,  
6 collection and enforcement of the payment of the taxes on property owned  
7 by such person or persons.

8 § 2. This act shall take effect immediately.