STATE OF NEW YORK

3253

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. CYMBROWITZ -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to assessment exemptions for living quarters for a parent or grandparent

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

Section 1. Subdivisions 1 and 3 of section 469 of the real property tax law, as added by chapter 377 of the laws of 2000, subdivision 1 as further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, are amended to read as follows:

1. A county, city, town, village or school district acting through its local legislative body is hereby authorized and empowered to adopt and amend local laws, or resolutions in the case of school districts, to provide for an exemption from taxation to the extent of any increase in assessed value of residential property resulting from the construction or reconstruction of such property for the purpose of providing living quarters for a parent or grandparent, who is sixty-two years of age or older**, or another eligible person, as defined in subdivision five-a of this section**. Such exemption shall not exceed (a) the increase in assessed value resulting from construction or reconstruction of such property, or (b) twenty percent of the total assessed value of such property as improved, or (c) twenty percent of the median sale price of residential property as reported in the most recent sales statistical summary published by the commissioner for the county in which the property is located, whichever is less.

3. Such exemption shall be applicable only to construction or reconstruction which occurred subsequent to the effective date of this section and shall only apply during taxable years during which at least one such parent [~~or~~]**,** grandparent **or eligible person** maintains a primary place of residence in such living quarters.

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

LBD07373-01-9

§ 2. Section 469 of the real property tax law is amended by adding a new subdivision 5-a to read as follows:

5-a. For the purposes of this section, the term "eligible person" shall be deemed to include an individual who is sixty-two years of age or older, or a husband and wife, one of whom is sixty-two years of age or older, or a person with a disability, provided that such person, or in the case of a husband and wife, one spouse, is within three degrees of consanguinity or three degrees of affinity with the property owner. To qualify as a person with a disability for the purposes of this section, an individual shall submit to the appropriate assessor proof that he or she is currently receiving social security disability insurance or supplemental security income benefits under the federal social security act or disability pension or disability compensation benefits provided by the United States department of veterans affairs or those previously eligible by virtue of receiving disability benefits under the supplemental security income program or the social security disability program and currently receiving medical assistance benefits based on determination of disability as provided in section three hundred sixty-six of the social services law, or a certified statement from a physician licensed to practice in the state on a form prescribed and made available by the commissioner which states that the individual has a permanent physical impairment which substantially limits one or more of such individual's major life activities, or a certificate from the state commission for the blind and visually handicapped stating that such individual is legally blind.

§ 3. This act shall take effect immediately.