STATE OF NEW YORK

3359

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

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

AN ACT to amend the real property tax law, in relation to granting enhanced STAR benefits to veterans

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

Section 1. Paragraph (a) of subdivision 2 and the subdivision heading, opening paragraph and paragraph (a) of subdivision 4 of section 425 of the real property tax law, paragraph (a) of subdivision 2 as amended by section 1 and subparagraph (i) of paragraph (a) of subdivision 4 as amended by section 2 of part E of chapter 83 of the laws of 2002, the subdivision heading and opening paragraph of subdivision 4 as added by section 1 of part B of chapter 389 of the laws of 1997 and paragraph (a) of subdivision 4 as amended by section 4 of part A of chapter 405 of the laws of 1999, are amended to read as follows:

(a) Overview. There shall be two variations of the exemption authorized by this section: an exemption for property owned by persons who satisfy the criteria set forth in subdivision three of this section, which shall be known as the "basic" STAR exemption, and an exemption for property owned by senior citizens **and veterans** who satisfy the criteria set forth in both subdivisions three and four of this section, which shall be known as the "enhanced" STAR exemption. The exempt amount for each assessing unit shall be determined annually as set forth in this subdivision, by multiplying the "base figure" by the locally-applicable "sales price differential factor," if any, multiplying the product by the appropriate "equalization factor" for the assessing unit, and, if necessary, increasing the result to equal the applicable "floor." The result is then rounded to the nearest multiple of ten dollars.

Senior citizens **and veterans**. The enhanced exemption for property owned by senior citizens **and veterans** shall be provided where all of the following requirements are satisfied:

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

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(a) Age **or veteran status**. (i) All of the owners must be **either** at least sixty-five years of age or [~~older~~] **veterans** as of the date specified herein, or in the case of property owned by husband and wife or by siblings, one of the owners must be **either** at least sixty-five years of age **or a veteran** as of that date and the property must serve as the primary residence of that owner. For the two thousand--two thousand one school year, eligibility for the exemption shall be based upon age as of December thirty-first, two thousand. For each subsequent school year, the applicable date shall be advanced by one year.

(ii) The term "siblings" as used herein shall have the same meaning as set forth in section four hundred sixty-seven of this article.

(ii-a) The term "veteran" as used herein shall have the same meanings as set forth in section four hundred fifty-eight-a and section four hundred fifty-eight-b of this article.

(iii) In the case of property owned by husband and wife, one of whom is sixty-five years of age or over, the exemption, once granted, shall not be rescinded solely because of the death of the older spouse so long as the surviving spouse is at least sixty-two years of age as of the date specified in this paragraph.

(iv) In the case of property owned by husband and wife, one of whom is a veteran, the exemption, once granted, shall not be rescinded solely because of the death of the veteran spouse so long as the surviving spouse is a veteran.

(v) In the case of property owned by a veteran who is also at least sixty-five years of age, such property shall be subject to both the senior citizen enhanced STAR benefit as well as half of the veterans enhanced STAR benefit.

(vi) In the case of property owned by a veteran that has been granted an exemption under either section four hundred fifty-eight-a or four hundred fifty-eight-b of this article by a school district, the property shall not be eligible for the veterans enhanced STAR benefit.

§ 2. This act shall take effect immediately and shall apply to all tax years commencing on or after it shall have become a law.