

STATE OF NEW YORK

4642

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. WRIGHT, ENGLEBRIGHT, ABBATE, BENEDETTO, CAHILL, COLTON, DINOWITZ, GUNTHER, LUPARDO, M. G. MILLER -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the real property tax law, in relation to the senior citizen exemption and veteran disability compensation

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

1 Section 1. Paragraph (a) of subdivision 3 of section 467 of the real
2 property tax law, as separately amended by chapters 131 and 279 of the
3 laws of 2017, 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 more
8 than twenty-six thousand dollars beginning July first, two thousand six,
9 twenty-seven thousand dollars beginning July first, two thousand seven,
10 twenty-eight thousand dollars beginning July first, two thousand eight,
11 twenty-nine thousand dollars beginning July first, two thousand nine,
12 and in a city with a population of one million or more fifty thousand
13 dollars beginning July first, two thousand seventeen, as may be provided
14 by the local law, ordinance or resolution adopted pursuant to this
15 section. Income tax year shall mean the twelve month period for which
16 the owner or owners filed a federal personal income tax return, or if no
17 such return is filed, the calendar year. Where title is vested in either
18 the husband or the wife, their combined income may not exceed such sum,
19 except where the husband or wife, or ex-husband or ex-wife is absent
20 from the property as provided in subparagraph (ii) of paragraph (d) of
21 this subdivision, then only the income of the spouse or ex-spouse resid-
22 ing on the property shall be considered and may not exceed such sum.
23 Such income shall include social security and retirement benefits,
24 interest, dividends, total gain from the sale or exchange of a capital

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

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1 asset which may be offset by a loss from the sale or exchange of a capi-
2 tal asset in the same income tax year, net rental income, salary or
3 earnings, and net income from self-employment, but shall not include a
4 return of capital, gifts, inheritances, veteran disability compensation,
5 as defined in Title 38 of the United States Code, payments made to indi-
6 viduals because of their status as victims of Nazi persecution, as
7 defined in P.L. 103-286 or monies earned through employment in the
8 federal foster grandparent program and any such income shall be offset
9 by all medical and prescription drug expenses actually paid which were
10 not reimbursed or paid for by insurance, if the governing board of a
11 municipality, after a public hearing, adopts a local law, ordinance or
12 resolution providing therefor. In addition, an exchange of an annuity
13 for an annuity contract, which resulted in non-taxable gain, as deter-
14 mined in section one thousand thirty-five of the internal revenue code,
15 shall be excluded from such income. Provided that such exclusion shall
16 be based on satisfactory proof that such an exchange was solely an
17 exchange of an annuity for an annuity contract that resulted in a non-
18 taxable transfer determined by such section of the internal revenue
19 code. Furthermore, such income shall not include the proceeds of a
20 reverse mortgage, as authorized by section six-h of the banking law, and
21 sections two hundred eighty and two hundred eighty-a of the real proper-
22 ty law; provided, however, that monies used to repay a reverse mortgage
23 may not be deducted from income, and provided additionally that any
24 interest or dividends realized from the investment of reverse mortgage
25 proceeds shall be considered income. The provisions of this paragraph
26 notwithstanding, such income shall not include veterans disability
27 compensation, as defined in Title 38 of the United States Code provided
28 the governing board of such municipality, after public hearing, adopts a
29 local law, ordinance or resolution providing therefor. In computing net
30 rental income and net income from self-employment no depreciation
31 deduction shall be allowed for the exhaustion, wear and tear of real or
32 personal property held for the production of income;

33 § 2. This act shall take effect immediately and shall apply to those
34 assessment rolls having a taxable status date on or after January first
35 of the year next succeeding the year in which it shall have become a
36 law.