

STATE OF NEW YORK

S. 3609

A. 5335

2019-2020 Regular Sessions

SENATE - ASSEMBLY

February 11, 2019

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to income requirements for the real property school tax exemption granted to persons sixty-five years of age or over in high-appreciation municipalities

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, and fifty thousand
14 dollars beginning July first, two thousand nineteen in a county, city,
15 town, village or school district which is a "high-appreciation municipi-
16 pality", as may be provided by the local law, ordinance or resolution
17 adopted pursuant to this section. For purposes of this paragraph, a
18 "high-appreciation municipality" means: (i) a special assessing unit
19 that is a city, (ii) a county for which the commissioner has established
20 a sales price differential factor for purposes of the STAR exemption

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

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1 authorized by section four hundred twenty-five of this title in three
2 consecutive years, and (iii) a city, town, village or school district
3 which is wholly or partly located within such a county. Income tax year
4 shall mean the twelve month period for which the owner or owners filed a
5 federal personal income tax return, or if no such return is filed, the
6 calendar year. Where title is vested in either the husband or the wife,
7 their combined income may not exceed such sum, except where the husband
8 or wife, or ex-husband or ex-wife is absent from the property as
9 provided in subparagraph (ii) of paragraph (d) of this subdivision, then
10 only the income of the spouse or ex-spouse residing on the property
11 shall be considered and may not exceed such sum. Such income shall
12 include social security and retirement benefits, interest, dividends,
13 total gain from the sale or exchange of a capital asset which may be
14 offset by a loss from the sale or exchange of a capital asset in the
15 same income tax year, net rental income, salary or earnings, and net
16 income from self-employment, but shall not include a return of capital,
17 gifts, inheritances, payments made to individuals because of their
18 status as victims of Nazi persecution, as defined in P.L. 103-286 or
19 monies earned through employment in the federal foster grandparent
20 program and any such income shall be offset by all medical and
21 prescription drug expenses actually paid which were not reimbursed or
22 paid for by insurance, if the governing board of a municipality, after a
23 public hearing, adopts a local law, ordinance or resolution providing
24 therefor. In addition, an exchange of an annuity for an annuity
25 contract, which resulted in non-taxable gain, as determined in section
26 one thousand thirty-five of the internal revenue code, shall be excluded
27 from such income. Provided that such exclusion shall be based on satis-
28 factory proof that such an exchange was solely an exchange of an annuity
29 for an annuity contract that resulted in a non-taxable transfer deter-
30 mined by such section of the internal revenue code. Furthermore, such
31 income shall not include the proceeds of a reverse mortgage, as author-
32 ized by section six-h of the banking law, and sections two hundred
33 eighty and two hundred eighty-a of the real property law; provided,
34 however, that monies used to repay a reverse mortgage may not be
35 deducted from income, and provided additionally that any interest or
36 dividends realized from the investment of reverse mortgage proceeds
37 shall be considered income. The provisions of this paragraph notwith-
38 standing, such income shall not include veterans disability compen-
39 sation, as defined in Title 38 of the United States Code provided the
40 governing board of such municipality, after public hearing, adopts a
41 local law, ordinance or resolution providing therefor. In computing net
42 rental income and net income from self-employment no depreciation
43 deduction shall be allowed for the exhaustion, wear and tear of real or
44 personal property held for the production of income;

45 § 2. This act shall take effect immediately.