

STATE OF NEW YORK

4024--B

Cal. No. 860

2019-2020 Regular Sessions

IN SENATE

February 25, 2019

Introduced by Sens. HARCKHAM, GOUNARDES, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the tax law, in relation to enacting the "STAR credit bill of rights" and establishing the office of STAR ombudsman

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

1 Section 1. This act shall be known and may be cited as the "STAR cred-
2 it bill of rights".
3 § 2. Subclauses (I), (II) and (III) of clause (i) of subparagraph (B)
4 of paragraph 10 of subsection (eee) of section 606 of the tax law, as
5 amended by section 2 of part TT of chapter 59 of the laws of 2017, are
6 amended to read as follows:
7 (I) If the school district tax roll is filed with the commissioner on
8 or before July first, the determination of eligibility shall be made by
9 July fifteenth, or as soon thereafter as is practicable, and the advance
10 payment shall be issued by July thirtieth, or as soon thereafter as is
11 practicable. For each residential taxpayer in such school district that
12 the commissioner determines to be ineligible for a reason other than
13 failing to meet the income and residency requirements for such credit,
14 the commissioner shall notify, in writing, such taxpayer of his or her
15 ineligibility. Such notice mailed to residential taxpayers who are inel-
16 igible for the credit allowed pursuant to this subsection because the
17 primary residence of such a taxpayer received a STAR exemption for the
18 associated fiscal year as set forth in clause (i) of subparagraph (A) of

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

LBD10175-04-9

1 paragraph one of this subsection shall include information on how to
2 switch to the credit program. Such notice shall be mailed to the resi-
3 dential taxpayer and postmarked no later than three days before the
4 date set forth in this subclause. Such notice along with an appeal form
5 and a list of all supporting documentation that may be required for such
6 appeal shall be mailed to a residential taxpayer found ineligible for
7 any other reason and postmarked no later than three days before the date
8 set forth in this subclause.

9 (II) If the school district tax roll is filed with the commissioner
10 after July first and on or before September first, the determination of
11 eligibility shall be made by September fifteenth, or as soon thereafter
12 as is practicable, and the advance payment shall be issued by September
13 thirtieth, or as soon thereafter as is practicable. For each residen-
14 tial taxpayer in such school district that the commissioner determines
15 to be ineligible for a reason other than failing to meet the income and
16 residency requirements for such credit, the commissioner shall notify,
17 in writing, such taxpayer of his or her ineligibility. Such notice
18 mailed to residential taxpayers who are ineligible for the credit
19 allowed pursuant to this subsection because the primary residence of
20 such a taxpayer received a STAR exemption for the associated fiscal year
21 as set forth in clause (i) of subparagraph (A) of paragraph one of this
22 subsection shall include information on how to switch to the credit
23 program. Such notice shall be mailed to the residential taxpayer and
24 postmarked no later than three days before the date set forth in this
25 subclause. Such notice along with an appeal form and a list of all
26 supporting documentation that may be required for such appeal shall be
27 mailed to a residential taxpayer found ineligible for any other reason
28 and postmarked no later than three days before the date set forth in
29 this subclause.

30 (III) If the school district tax roll is filed with the commissioner
31 after September first, the determination of eligibility shall be made by
32 the fifteenth day after such filing, or as soon thereafter as is practi-
33 cable, and the advance payment shall be issued by the thirtieth day
34 after such filing, or as soon thereafter as is practicable. For each
35 residential taxpayer in such school district that the commissioner
36 determines to be ineligible for a reason other than failing to meet the
37 income and residency requirements for such credit, the commissioner
38 shall notify, in writing, such taxpayer of his or her ineligibility.
39 Such notice mailed to residential taxpayers who are ineligible for the
40 credit allowed pursuant to this subsection because the primary residence
41 of such a taxpayer received a STAR exemption for the associated fiscal
42 year as set forth in clause (i) of subparagraph (A) of paragraph one of
43 this subsection shall include information on how to switch to the credit
44 program. Such notice shall be mailed to the residential taxpayer and
45 postmarked no later than three days before the date set forth in this
46 subclause. Such notice along with an appeal form and a list of all
47 supporting documentation that may be required for such appeal shall be
48 mailed to a residential taxpayer found ineligible for any other reason
49 and postmarked no later than three days before the date set forth in
50 this subclause.

51 § 3. Subparagraph (B) of paragraph 10 of subsection (eee) of section
52 606 of the tax law is amended by adding a new clause (iii) to read as
53 follows:

54 (iii) Any residential taxpayer who receives a notice of ineligibility
55 pursuant to subclause (I), (II) or (III) of clause (i) of this subpara-
56 graph may appeal the determination made by the commissioner that he or

1 she is ineligible to receive such credit. Such appeal shall be in writ-
2 ing, mailed to the commissioner and postmarked no later than thirty days
3 after such taxpayer receives such notice of ineligibility. Such appeal
4 shall be made in a form to be determined by the commissioner, and may
5 include any supporting documentation the residential taxpayer deems
6 appropriate. Upon receipt of an appeal, the commissioner shall have
7 fifteen days to make a final determination regarding the residential
8 taxpayer's eligibility. Such taxpayer shall be notified of the final
9 determination by the commissioner within three days after such final
10 determination is made. For those residential taxpayers whom the commis-
11 sioner has determined to be eligible for such credit pursuant to such
12 appeal, the commissioner shall advance a payment in the amount specified
13 in paragraph three, four or six of this subsection, whichever is appli-
14 cable. Such payment after appeal shall be subject to interest at the
15 rate prescribed by subparagraph (A) of paragraph two of subsection (j)
16 of section six hundred ninety-seven of this article.

17 § 4. Subsection (eee) of section 606 of the tax law is amended by
18 adding a new paragraph 14 to read as follows:

19 (14) (A) There is hereby established in the department the office of
20 STAR ombudsman. The commissioner shall appoint the director of the
21 office of STAR ombudsman. The director shall report to the commissioner.
22 Persons employed by the office of the ombudsman to act as "ombudsmen"
23 shall be attorneys or shall have expertise in the areas of tax and real
24 estate tax, as evidenced by experience in the field, or by academic
25 background, the level and sufficiency of which shall be determined by
26 the director.

27 (B) The office of STAR ombudsman shall have the following duties:

28 (i) to confirm to taxpayers, receipt of taxpayer inquiries or other
29 communications regarding the credit allowed pursuant to this subsection
30 within twenty-four hours of when such inquiry or communication was
31 received by the department;

32 (ii) to respond to taxpayer inquiries made regarding delays in the
33 processing of advance payments or determinations of eligibility pursuant
34 to this subsection;

35 (iii) to confirm to taxpayers that a department employee is working on
36 his or her inquiry or case regarding the credit allowed pursuant to this
37 subsection; and

38 (iv) to establish a tracking system and utilize case numbers for
39 taxpayer inquiries and cases regarding the credit allowed pursuant to
40 this subsection. Such tracking system shall be made available to the
41 public via the department's website.

42 § 5. This act shall take effect July 1, 2019. Effective immediately,
43 the addition, amendment and/or repeal of any rule or regulation neces-
44 sary for the implementation of this act on its effective date are
45 authorized to be made and completed on or before such date.