

STATE OF NEW YORK

2226

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

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

AN ACT to amend the real property tax law and the tax law, in relation to the definition of income in relation to the enhanced STAR exemption

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

1 Section 1. Subparagraph (ii) of paragraph (b) of subdivision 4 of
2 section 425 of the real property tax law, as amended by section 1 of
3 part B of chapter 59 of the laws of 2018, is amended to read as follows:
4 (ii) The term "income" as used herein shall mean the "adjusted gross
5 income" for federal income tax purposes as reported on the applicant's
6 federal or state income tax return for the applicable income tax year,
7 subject to any subsequent amendments or revisions, reduced by distrib-
8 utions, to the extent included in federal adjusted gross income,
9 received from an individual retirement account and an individual retire-
10 ment annuity, and distribution from a thrift savings plan established
11 prior to January first, nineteen hundred eighty-four; provided that if
12 no such return was filed for the applicable income tax year, "income"
13 shall mean the adjusted gross income that would have been so reported if
14 such a return had been filed. Provided further, that effective with
15 exemption applications for final assessment rolls to be completed in two
16 thousand nineteen, where an income-eligibility determination is wholly
17 or partly based upon the income of one or more individuals who did not
18 file a return for the applicable income tax year, then in order for the
19 application to be considered complete, each such individual must file a
20 statement with the department showing the source or sources of his or
21 her income for that income tax year, and the amount or amounts thereof,
22 that would have been reported on such a return if one had been filed.
23 Such statement shall be filed at such time, and in such form and manner,
24 as may be prescribed by the department, and shall be subject to the
25 secrecy provisions of the tax law to the same extent that a personal

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

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1 income tax return would be. The department shall make such forms and
2 instructions available for the filing of such statements. The local
3 assessor shall upon the request of a taxpayer assist such taxpayer in
4 the filing of the statement with the department.

5 § 2. Subparagraph (B) of paragraph 1 of subsection (eee) of section
6 606 of the tax law, as amended by section 10 of part B of chapter 59 of
7 the laws of 2018, is amended to read as follows:

8 (B) "Affiliated income" shall mean for purposes of the basic STAR
9 credit, the combined income of all of the owners of the parcel who
10 resided primarily thereon as of December thirty-first of the taxable
11 year, and of any owners' spouses residing primarily thereon as of such
12 date, and for purposes of the enhanced STAR credit, the combined income
13 of all of the owners of the parcel as of December thirty-first of the
14 taxable year, and of any owners' spouses residing primarily thereon as
15 of such date; provided that for both purposes the income to be so
16 combined shall be the "adjusted gross income" for the taxable year as
17 reported for federal income tax purposes, or that would be reported as
18 adjusted gross income if a federal income tax return were required to be
19 filed, reduced by distributions, to the extent included in federal
20 adjusted gross income, received from an individual retirement account
21 and an individual retirement annuity, and distribution from a thrift
22 savings plan established prior to January first, nineteen hundred eight-
23 y-four. For taxable years beginning on and after January first, two
24 thousand nineteen, where an income-eligibility determination is wholly
25 or partly based upon the income of one or more individuals who did not
26 file a return pursuant to section six hundred fifty-one of this article
27 for the applicable income tax year, then in order to be eligible for the
28 credit authorized by this subsection, each such individual must file a
29 statement with the department showing the source or sources of his or
30 her income for that income tax year, and the amount or amounts thereof,
31 that would have been reported on such a return if one had been filed.
32 Such statement shall be filed at such time, and in such form and manner,
33 as may be prescribed by the department, and shall be subject to the
34 provisions of section six hundred ninety-seven of this article to the
35 same extent that a return would be. The department shall make such forms
36 and instructions available for the filing of such statements. The local
37 assessor shall upon the request of a taxpayer assist such taxpayer in
38 the filing of the statement with the department. Provided further, that
39 if the qualified taxpayer was an owner of the property during the taxa-
40 ble year but did not own it on December thirty-first of the taxable
41 year, then the determination as to whether the income of an individual
42 should be included in "affiliated income" shall be based upon the owner-
43 ship and/or residency status of that individual as of the first day of
44 the month during which the qualified taxpayer ceased to be an owner of
45 the property, rather than as of December thirty-first of the taxable
46 year.

47 § 3. This act shall take effect on the first of January next succeed-
48 ing the date on which it shall have become a law.