

STATE OF NEW YORK

2969

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

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
19 paragraph one of this subsection shall include information on how to
20 switch to the credit program. Such notice shall be mailed to the resi-
21 dential taxpayer and postmarked no later than three days before the
22 date set forth in this subclause. Such notice along with an appeal form
23 and a list of all supporting documentation that may be required for such
24 appeal shall be mailed to a residential taxpayer found ineligible for

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

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1 any other reason and postmarked no later than three days before the date
2 set forth in this subclause.

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

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

45 § 3. Subparagraph (B) of paragraph 10 of subsection (eee) of section
46 606 of the tax law is amended by adding a new clause (iii) to read as
47 follows:

48 (iii) Any residential taxpayer who receives a notice of ineligibility
49 pursuant to subclause (I), (II) or (III) of clause (i) of this subpara-
50 graph may appeal the determination made by the commissioner that he or
51 she is ineligible to receive such credit. Such appeal shall be in writ-
52 ing, mailed to the commissioner and postmarked no later than thirty days
53 after such taxpayer receives such notice of ineligibility. Such appeal
54 shall be made in a form to be determined by the commissioner, and may
55 include any supporting documentation the residential taxpayer deems
56 appropriate. Upon receipt of an appeal, the commissioner shall have

1 fifteen days to make a final determination regarding the residential
2 taxpayer's eligibility. Such taxpayer shall be notified of the final
3 determination by the commissioner within three days after such final
4 determination is made. For those residential taxpayers whom the commis-
5 sioner has determined to be eligible for such credit pursuant to such
6 appeal, the commissioner shall advance a payment in the amount specified
7 in paragraph three, four or six of this subsection, whichever is appli-
8 cable. Such payment after appeal shall be subject to interest at the
9 rate prescribed by subparagraph (A) of paragraph two of subsection (j)
10 of section six hundred ninety-seven of this article.

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

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

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

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

26 (ii) to respond to taxpayer inquiries made regarding delays in the
27 processing of advance payments or determinations of eligibility pursuant
28 to this subsection;

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

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

36 § 5. This act shall take effect July 1, 2021. Effective immediately,
37 the addition, amendment and/or repeal of any rule or regulation neces-
38 sary for the implementation of this act on its effective date are
39 authorized to be made and completed on or before such date.