

# STATE OF NEW YORK

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9032--B

## IN SENATE

May 4, 2022

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Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to authorizing eligibility for SCRIE and DRIE for tenants of properties located in battery park city (Part A); to amend the real property tax law, in relation to authorizing eligibility for the senior citizen homeowners' exemption (SCHE) and the disabled homeowners' exemption (DHE) for property in battery park city (Part B); and directing the battery park city authority to extend its lease with the city of New York (Part C)

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

1 Section 1. This act enacts into law major components of legislation  
2 relating to Battery Park city. Each component is wholly contained within  
3 a Part identified as Parts A through C. The effective date for each  
4 particular provision contained within such Part is set forth in the last  
5 section of such Part. Any provision in any section contained within a  
6 Part, including the effective date of the Part, which makes a reference  
7 to a section "of this act", when used in connection with that particular  
8 component, shall be deemed to mean and refer to the corresponding  
9 section of the Part in which it is found. Section three of this act sets  
10 forth the general effective date of this act.

11 PART A

12 Section 1. The section heading, paragraphs b and i of subdivision 1,  
13 subdivision 2, the opening paragraph of paragraph b of subdivision 3 and  
14 subdivisions 6, 7 and 8 of section 467-c of the real property tax law,  
15 the section heading as amended by chapter 188 of the laws of 2005, para-  
16 graph b of subdivision 1 and the opening paragraph of paragraph b of  
17 subdivision 3 as amended and paragraph i of subdivision 1 as added by  
18 chapter 420 of the laws of 1991, subdivisions 2, 6, 7 and 8 as added by

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

LBD15457-05-2

chapter 208 of the laws of 1975, are amended and a new subdivision 13 is added to read as follows:

Exemption for property owned by certain housing companies or leased by the battery park city authority and occupied by senior citizens or persons with disabilities.

b. "Dwelling unit" means that part of a dwelling in which an eligible head of the household resides and which is subject to the provisions of ~~[either]~~: (1) Article II, IV, V, or XI of the private housing finance law; or (2) that part of a dwelling which was or continues to be subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended, in which an eligible head of the household resides; or (3) a sublease with the battery park city authority.

i. "Maximum rent" means the maximum rent, excluding gas and electric utility charges, which has been authorized or approved by the commissioner or the supervising agency or the legal regulated rent established for the dwelling unit pursuant to the provisions of either Article II, IV, V or XI of the private housing finance law, or the rental established for a cooperatively owned dwelling unit previously regulated pursuant to the provisions of Article II, IV, V or XI of the private housing finance law; or such approved rent for a dwelling unit in a dwelling subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended; or such rent established for a dwelling unit which was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended; or the rent established pursuant to a regulatory agreement between the battery park city authority and the landlord.

2. The governing body of any city having a population of one million or more, acting through its local legislative body or other governing agency is hereby authorized and empowered to adopt and amend local laws or ordinances providing that real property of a housing company or landlord who is subject to a sublease with the battery park city authority shall be exempt from real property taxes or payments in lieu of taxes (PILOT), in an amount equal to the rent increase exemptions actually credited to eligible heads of households pursuant to this section. Any such exemption shall be in addition to any other exemption or abatement of taxes authorized by law.

notwithstanding any other provision of law, when a head of the household to whom a then current, valid tax abatement certificate has been issued moves his principal residence from one dwelling unit subject to this section, to the local emergency housing rent control law or to the emergency tenant protection act of nineteen seventy-four to a subsequent dwelling unit which is subject to the provisions of articles II, IV, V or XI of the private housing finance law or which is or was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended, or which is subject to the provisions of a sublease between the landlord and the battery park city authority and which is located within the same municipal corporation, the head of the household may apply for a tax abatement certificate relating to the subsequent dwelling unit, subject to any terms and conditions imposed by reason of any fund created under subdivision eight of this section, and such certificate may provide that the head of the household shall be exempt from paying that portion of

1 the maximum rent or legal regulated rent for the subsequent dwelling  
2 unit which is the least of the following:

3 6. Any such local law or ordinance may provide that upon receipt of a  
4 copy of the rent increase exemption order/tax abatement certificate, the  
5 housing company managing the dwelling unit or the landlord of the dwell-  
6 ing unit, subject to a sublease with the battery park city authority, of  
7 the eligible head of the household shall promptly accord to the eligible  
8 head of the household covered by such order/certificate the appropriate  
9 credit against the monthly maximum rent then or thereafter payable. To  
10 the extent the full amount of such credit has not been accorded for any  
11 past period since the effective date specified in the order/certificate,  
12 the housing company or landlord shall credit the total aggregate amount  
13 not so credited to the monthly maximum rent next payable or to such  
14 subsequent monthly maximum rents as the supervising agency may author-  
15 ize. It shall be illegal to collect any amount for which a rent increase  
16 exemption order/tax abatement certificate provides credit or to withhold  
17 credit for any such amounts already collected, and collection or  
18 retention of any such amount for a dwelling unit occupied by such eligi-  
19 ble head of the household shall be deemed a rent overcharge, and upon  
20 conviction therefor the housing company and its directors and any  
21 employee and any agent responsible therefor or the landlord and any  
22 employee and any agent responsible therefor shall be guilty of a misde-  
23 meanor, punishable by a fine not to exceed one thousand dollars or  
24 imprisonment not to exceed six months, or both.

25 7. Any such local law or ordinance may provide that in order to obtain  
26 the [~~tax~~] benefits to which it is entitled under this section, a housing  
27 company or landlord who is subject to a sublease with the battery park  
28 city authority must file with the collecting officer charged with the  
29 duty of collecting taxes or PILOT of the municipality a sworn applica-  
30 tion, in such form as such officer may prescribe, for any quarterly  
31 period in which the housing company or landlord has accorded an eligible  
32 head of the household an exemption hereunder from the payment of the  
33 maximum rent. Subject to prior or subsequent verification thereof, the  
34 collecting officer shall credit the total amount of such exemptions  
35 actually accorded to occupants of dwelling units contained in the prop-  
36 erty against the real property taxes or PILOT otherwise payable with  
37 respect to the property. The housing company or landlord shall attach to  
38 such application copies of all rent increase exemption orders/tax abate-  
39 ment certificates issued to eligible heads of the household residing in  
40 dwelling units in such real property.

41 8. Any such local law or ordinance may provide that in the event that  
42 the real property of a housing company or landlord who is subject to a  
43 sublease with the battery park city authority containing one or more  
44 dwelling units shall be totally exempt from local and municipal real  
45 property taxes or PILOT for any fiscal year as a result of the  
46 exemptions from maximum rent credited pursuant to this section, or  
47 otherwise, such municipality may make or contract to make payments to a  
48 housing company or landlord in an amount not exceeding the amount neces-  
49 sary to reimburse the housing company or landlord for the total dollar  
50 amount of all exemptions from the payment of the maximum rent accorded  
51 pursuant to this section to eligible heads of the household residing in  
52 dwelling units in such real property.

53 A municipality may create and establish a fund in order to provide for  
54 the payments made in accordance with contracts entered into pursuant to  
55 this subdivision. There may be paid into such fund (1) all of the rental  
56 surcharges collected by the municipality from housing companies organ-

1 ized and existing pursuant to Articles II, IV, V and XI of the private  
2 housing finance law and (2) any moneys appropriated or otherwise made  
3 available by the municipality for the purpose of such fund.

4 13. In a city with a population of one million or more, any such local  
5 law, ordinance or resolution may provide for the abatement of PILOT  
6 imposed on real property subject to the provisions of a sublease with  
7 the battery park city authority where such landlord is subject to a  
8 regulatory agreement to limit increases in maximum rent.

9 § 2. This act shall take effect immediately.

10 PART B

11 Section 1. Section 467 of the real property tax law, as added by chap-  
12 ter 616 of the laws of 1966, subdivisions 1 and 3 as amended by chapter  
13 440 of the laws of 1985, paragraph (a) of subdivision 1 as amended by  
14 chapter 348 of the laws of 2007, paragraph (b) of subdivision 1 as  
15 amended by chapter 261 of the laws of 1994, subparagraph 3 of paragraph  
16 (b) of subdivision 1 as added by chapter 402 of the laws of 1995, para-  
17 graph (c) of subdivision 1 as amended by section 11 of part E of chapter  
18 83 of the laws of 2002, subdivision 2 as amended by chapter 72 of the  
19 laws of 2005, paragraph (a) of subdivision 3 as amended by chapter 558  
20 of the laws of 2021, paragraph (b) of subdivision 3 as amended by chap-  
21 ter 409 of the laws of 1995, paragraph (d) of subdivision 3 as amended  
22 by chapter 145 of the laws of 1992, subdivision 3-a as added and subdi-  
23 vision 4 as amended by chapter 406 of the laws of 1995, paragraphs (a)  
24 and (b) of subdivision 3-a as amended by chapter 407 of the laws of  
25 1995, paragraph (c) of subdivision 3-a as amended by chapter 49 of the  
26 laws of 1996, subdivision 3-b as added by chapter 313 of the laws of  
27 1996 and as further amended by subdivision (b) of section 1 of part W of  
28 chapter 56 of the laws of 2010, subdivision 4-a as added by chapter 434  
29 of the laws of 2007, paragraph (a) of subdivision 4-a as further amended  
30 by subdivision (b) of section 1 of part W of chapter 56 of the laws of  
31 2010, subdivision 5 as amended by chapter 309 of the laws of 1990 and as  
32 further amended by subdivision (b) of section 1 of part W of chapter 56  
33 of the laws of 2010, subdivision 5-a as added by chapter 769 of the laws  
34 of 1992, subdivision 5-b as added by chapter 571 of the laws of 1996,  
35 subdivision 5-c as added by chapter 362 of the laws of 1997, subdivision  
36 6 as amended by chapter 395 of the laws of 1989, paragraph (a) of subdi-  
37 vision 6 as further amended by subdivision (b) of section 1 of part W of  
38 chapter 56 of the laws of 2010, paragraphs (b) and (c) of subdivision 6  
39 as amended by chapter 471 of the laws of 1990, paragraph (b) of subdivi-  
40 sion 6 as further amended by subdivision (b) of section 1 of part W of  
41 chapter 56 of the laws of 2010, subdivision 7 as added by chapter 616 of  
42 the laws of 1966 and as renumbered by chapter 710 of the laws of 1976,  
43 subdivision 8 as added by chapter 534 of the laws of 1984, subdivision  
44 8-a as added by section 2 of part D of chapter 60 of the laws of 2016,  
45 subdivision 9 as added by chapter 410 of the laws of 1995, subparagraph  
46 (i) of paragraph (a) and subparagraph (i) of paragraph (b) of subdivi-  
47 sion 9 as further amended by subdivision (b) of section 1 of part W of  
48 chapter 56 of the laws of 2010, subdivision 10 as amended by chapter 270  
49 of the laws of 1999, and subdivision 11 as added by section 1 of part QQ  
50 of chapter 59 of the laws of 2019, is amended to read as follows:

51 § 467. Persons sixty-five years of age or over. 1. (a) Real property  
52 owned by one or more persons, each of whom is sixty-five years of age or  
53 over, or real property owned by husband and wife or by siblings, one of  
54 whom is sixty-five years of age or over, or real property owned by one

or more persons, some of whom qualify under this section and the others of whom qualify under section four hundred fifty-nine-c of this title, shall be exempt from payments in lieu of taxes (PILOT) to the battery park city authority or from taxation by any municipal corporation in which located to the extent of fifty per centum of the assessed valuation thereof, provided the governing board of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor. For the purposes of this section, sibling shall mean a brother or a sister, whether related through half blood, whole blood or adoption.

(b) (1) Any local law, ordinance or resolution adopted pursuant to paragraph (a) of this subdivision may be amended, or a local law, ordinance or resolution may be adopted, to provide an exemption so as to increase the maximum income eligibility level of such municipal corporation as provided in subdivision three of this section (represented in the hereinbelow schedule as M), to the extent provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION <u>OR PILOT</u>
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More than (M) but	
less than (M+ \$1,000)	45 per centum
(M+ \$1,000 or more) but	
less than (M+ \$2,000)	40 per centum
(M+ \$2,000 or more) but	
less than (M+ \$3,000)	35 per centum
(M+ \$3,000 or more) but	
less than (M+ \$3,900)	30 per centum
(M+ \$3,900 or more) but	
less than (M+ \$4,800)	25 per centum
(M+ \$4,800 or more) but	
less than (M+ \$5,700)	20 per centum

(2) Any local law, ordinance or resolution adopted pursuant to subparagraph one of this paragraph may be amended, or a local law, ordinance or resolution may be adopted, to provide an exemption so as to increase the maximum income eligibility level of such municipal corporation as provided in subdivision three of this section (represented in the hereinbelow schedule as M), and as increased as provided for in such subparagraph one to the extent provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION <u>OR PILOT</u>
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(M+ \$5,700 or more) but	
less than (M+ \$6,600)	15 per centum
(M+ \$6,600 or more) but	
less than (M+ \$7,500)	10 per centum

(3) Any local law, ordinance or resolution adopted pursuant to subparagraphs one and two of this paragraph may be amended, or a local law, ordinance or resolution may be adopted, to provide an exemption so as to increase the maximum income eligibility level of such municipal corporation as provided in subdivision three of this section (represented in



1 the hereinbelow schedule as M), and as increased as provided for in such  
 2 subparagraph one to the extent provided in the following schedule:

3 ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION
4	EXEMPT FROM TAXATION <u>OR PILOT</u>
5 (M+ \$7,500 or more)	
6 but less than (M+ \$8,400)	5 per centum

7 (c) Any exemption provided by this section shall be computed after all  
 8 other partial exemptions allowed by law, excluding the school tax relief  
 9 (STAR) exemption authorized by section four hundred twenty-five of this  
 10 title, have been subtracted from the total amount assessed.

11 (d) The real property tax or PILOT exemption on real property owned by  
 12 husband and wife, one of whom is sixty-five years of age or over, once  
 13 granted, shall not be rescinded by any municipal corporation solely  
 14 because of the death of the older spouse so long as the surviving spouse  
 15 is at least sixty-two years of age.

16 2. Exemption from taxation for school purposes shall not be granted in  
 17 the case of real property where a child resides if such child attends a  
 18 public school of elementary or secondary education, unless the governing  
 19 board of the school district in which the property is located, after  
 20 public hearing, adopts a resolution providing for such exemption;  
 21 provided that any such resolution shall condition such exemption upon  
 22 satisfactory proof that the child was not brought into the residence in  
 23 whole or in substantial part for the purpose of attending a particular  
 24 school within the district. The procedure for such hearing and resol-  
 25 ution must be conducted separately from the procedure for any hearing  
 26 and local law, ordinance or resolution conducted pursuant to paragraph  
 27 (a) of subdivision one of this section.

28 3. No exemption shall be granted:

29 (a) if the income of the owner or the combined income of the owners of  
 30 the property for the income tax year immediately preceding the date of  
 31 making application for exemption exceeds the sum of three thousand  
 32 dollars, or such other sum not less than three thousand dollars nor more  
 33 than twenty-six thousand dollars beginning July first, two thousand six,  
 34 twenty-seven thousand dollars beginning July first, two thousand seven,  
 35 twenty-eight thousand dollars beginning July first, two thousand eight,  
 36 twenty-nine thousand dollars beginning July first, two thousand nine,  
 37 and in a city with a population of one million or more fifty thousand  
 38 dollars beginning July first, two thousand seventeen, as may be provided  
 39 by the local law, ordinance or resolution adopted pursuant to this  
 40 section. Where the taxable status date is on or before April fourteenth,  
 41 income tax year shall mean the twelve-month period for which the owner  
 42 or owners filed a federal personal income tax return for the year before  
 43 the income tax year immediately preceding the date of application and  
 44 where the taxable status date is on or after April fifteenth, income tax  
 45 year shall mean the twelve-month period for which the owner or owners  
 46 filed a federal personal income tax return for the income tax year imme-  
 47 diately preceding the date of application. Where title is vested in  
 48 either the husband or the wife, their combined income may not exceed  
 49 such sum, except where the husband or wife, or ex-husband or ex-wife is  
 50 absent from the property as provided in subparagraph (ii) of paragraph  
 51 (d) of this subdivision, then only the income of the spouse or ex-spouse  
 52 residing on the property shall be considered and may not exceed such  
 53 sum. Such income shall include social security and retirement benefits,

1 interest, dividends, total gain from the sale or exchange of a capital  
2 asset which may be offset by a loss from the sale or exchange of a capi-  
3 tal asset in the same income tax year, net rental income, salary or  
4 earnings, and net income from self-employment, but shall not include a  
5 return of capital, gifts, inheritances, payments made to individuals  
6 because of their status as victims of Nazi persecution, as defined in  
7 P.L. 103-286 or monies earned through employment in the federal foster  
8 grandparent program and any such income shall be offset by all medical  
9 and prescription drug expenses actually paid which were not reimbursed  
10 or paid for by insurance, if the governing board of a municipality,  
11 after a public hearing, adopts a local law, ordinance or resolution  
12 providing therefor. In addition, an exchange of an annuity for an annui-  
13 ty contract, which resulted in non-taxable gain, as determined in  
14 section one thousand thirty-five of the internal revenue code, shall be  
15 excluded from such income. Provided that such exclusion shall be based  
16 on satisfactory proof that such an exchange was solely an exchange of an  
17 annuity for an annuity contract that resulted in a non-taxable transfer  
18 determined by such section of the internal revenue code. Furthermore,  
19 such income shall not include the proceeds of a reverse mortgage, as  
20 authorized by section six-h of the banking law, and sections two hundred  
21 eighty and two hundred eighty-a of the real property law; provided,  
22 however, that monies used to repay a reverse mortgage may not be  
23 deducted from income, and provided additionally that any interest or  
24 dividends realized from the investment of reverse mortgage proceeds  
25 shall be considered income. The provisions of this paragraph notwith-  
26 standing, such income shall not include veterans disability compen-  
27 sation, as defined in Title 38 of the United States Code provided the  
28 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 (b) unless the owner shall have held an exemption under this section  
34 for his previous residence or unless the title of the property shall  
35 have been vested in the owner or one of the owners of the property for  
36 at least twelve consecutive months prior to the date of making applica-  
37 tion for exemption, provided, however, that in the event of the death of  
38 either a husband or wife in whose name title of the property shall have  
39 been vested at the time of death and then becomes vested solely in the  
40 survivor by virtue of devise by or descent from the deceased husband or  
41 wife, the time of ownership of the property by the deceased husband or  
42 wife shall be deemed also a time of ownership by the survivor and such  
43 ownership shall be deemed continuous for the purposes of computing such  
44 period of twelve consecutive months. In the event of a transfer by  
45 either a husband or wife to the other spouse of all or part of the title  
46 to the property, the time of ownership of the property by the transferor  
47 spouse shall be deemed also a time of ownership by the transferee spouse  
48 and such ownership shall be deemed continuous for the purposes of  
49 computing such period of twelve consecutive months. Where property of  
50 the owner or owners has been acquired to replace property formerly owned  
51 by such owner or owners and taken by eminent domain or other involuntary  
52 proceeding, except a tax sale, the period of ownership of the former  
53 property shall be combined with the period of ownership of the property  
54 for which application is made for exemption and such periods of owner-  
55 ship shall be deemed to be consecutive for purposes of this section.  
56 Where a residence is sold and replaced with another within one year and

1 both residences are within the state, the period of ownership of both  
2 properties shall be deemed consecutive for purposes of the exemption  
3 from taxation by a municipality within the state granting such  
4 exemption. Where the owner or owners transfer title to property which as  
5 of the date of transfer was exempt from taxation or PILOT under the  
6 provisions of this section, the reacquisition of title by such owner or  
7 owners within nine months of the date of transfer shall be deemed to  
8 satisfy the requirement of this paragraph that the title of the property  
9 shall have been vested in the owner or one of the owners for such period  
10 of twelve consecutive months. Where, upon or subsequent to the death of  
11 an owner or owners, title to property which as of the date of such death  
12 was exempt from taxation or PILOT under such provisions, becomes vested,  
13 by virtue of devise or descent from the deceased owner or owners, or by  
14 transfer by any other means within nine months after such death, solely  
15 in a person or persons who, at the time of such death, maintained such  
16 property as a primary residence, the requirement of this paragraph that  
17 the title of the property shall have been vested in the owner or one of  
18 the owners for such period of twelve consecutive months shall be deemed  
19 satisfied;

20 (c) unless the property is used exclusively for residential purposes,  
21 provided, however, that in the event any portion of such property is not  
22 so used exclusively for residential purposes but is used for other  
23 purposes, such portion shall be subject to taxation or PILOT and the  
24 remaining portion only shall be entitled to the exemption provided by  
25 this section;

26 (d) unless the real property is the legal residence of and is occupied  
27 in whole or in part by the owner or by all of the owners of the proper-  
28 ty: except where, (i) an owner is absent from the residence while  
29 receiving health-related care as an inpatient of a residential health  
30 care facility, as defined in section twenty-eight hundred one of the  
31 public health law, provided that any income accruing to that person  
32 shall only be income only to the extent that it exceeds the amount paid  
33 by such owner, spouse, or co-owner for care in the facility, and  
34 provided further, that during such confinement such property is not  
35 occupied by other than the spouse or co-owner of such owner; or, (ii)  
36 the real property is owned by a husband and/or wife, or an ex-husband  
37 and/or an ex-wife, and either is absent from the residence due to  
38 divorce, legal separation or abandonment and all other provisions of  
39 this section are met provided that where an exemption was previously  
40 granted when both resided on the property, then the person remaining on  
41 the real property shall be sixty-two years of age or over.

42 3-a. (a) For the purposes of this section, title to that portion of  
43 real property owned by a cooperative apartment corporation in which a  
44 tenant-stockholder of such corporation resides and which is represented  
45 by his share or shares of stock in such corporation as determined by its  
46 or their proportional relationship to the total outstanding stock of the  
47 corporation, including that owned by the corporation, shall be deemed to  
48 be vested in such tenant-stockholder.

49 (b) That proportion of the assessment of such real property owned by a  
50 cooperative apartment corporation determined by the relationship of such  
51 real property vested in such tenant-stockholder to such entire parcel  
52 and the buildings thereon owned by such cooperative apartment corpo-  
53 ration in which such tenant-stockholder resides shall be subject to  
54 exemption from taxation or PILOT pursuant to this section and any  
55 exemption so granted shall be credited by the appropriate taxing author-  
56 ity against the assessed valuation of such real property; the reduction



1 in real property taxes or PILOT realized thereby shall be credited by  
2 the cooperative apartment corporation against the amount of such taxes  
3 or PILOT otherwise payable by or chargeable to such tenant-stockholder.

4 (c) Real property may be exempt from taxation or PILOT pursuant to  
5 this subdivision by a municipality in which such property is located  
6 only if the governing board of such municipality, after public hearing,  
7 adopts a local law, ordinance or resolution providing therefor.  
8 Notwithstanding any provision of law to the contrary, any local law,  
9 ordinance or resolution adopted pursuant to this paragraph may provide,  
10 or be amended to provide, that a tenant-stockholder who resides in a  
11 dwelling which is subject to the provisions of either article two, four,  
12 five or eleven of the private housing finance law and who is eligible  
13 for a rent increase exemption pursuant to section four hundred sixty-  
14 seven-c of this title shall not be eligible for an exemption pursuant to  
15 this subdivision and that a tenant-stockholder who resides in a dwelling  
16 which is subject to the provisions of either article two, four, five or  
17 eleven of the private housing finance law and who is not eligible for a  
18 rent increase exemption pursuant to section four hundred sixty-seven-c  
19 of this title but who meets the requirements for eligibility for an  
20 exemption pursuant to this section shall be eligible for such exemption  
21 provided that such exemption shall be in an amount determined by multi-  
22 plying the exemption otherwise allowable pursuant to this section by a  
23 fraction having a numerator equal to the amount of real property taxes  
24 or payments in lieu of taxes that were paid with respect to such dwell-  
25 ing and a denominator equal to the full amount of real property taxes  
26 that would have been owed with respect to such dwelling had it not been  
27 granted an exemption or abatement of real property taxes pursuant to any  
28 provision of law, provided, however, that any reduction in real property  
29 taxes received with respect to such dwelling pursuant to this section or  
30 section four hundred sixty-seven-c of this title shall not be considered  
31 in calculating such numerator. Any such local law, ordinance or resol-  
32 ution that so provides, or is amended to so provide, shall also provide  
33 that a tenant-stockholder who resides in a dwelling which was or contin-  
34 ues to be subject to a mortgage insured or initially insured by the  
35 federal government pursuant to section two hundred thirteen of the  
36 National Housing Act, as amended, and who is eligible for both a rent  
37 increase exemption pursuant to section four hundred sixty-seven-c of  
38 this title and an exemption pursuant to this subdivision, may apply for  
39 and receive either a rent increase exemption pursuant to section four  
40 hundred sixty-seven-c of this title or an exemption pursuant to this  
41 subdivision, but not both.

42 3-b. The commissioner shall develop, make available and distribute to  
43 any municipal corporation which requests it, a form for the purpose of  
44 administering the provisions of paragraph (a) of subdivision three of  
45 this section.

46 4. Every municipal corporation in which such real property is located  
47 shall notify, or cause to be notified, each person owning residential  
48 real property in such municipal corporation of the provisions of this  
49 section. The provisions of this subdivision may be met by a notice or  
50 legend sent on or with each tax or PILOT bill to such persons reading  
51 "You may be eligible for senior citizen tax exemptions. Senior citizens  
52 have until month....., day....., year....., to apply for such  
53 exemptions. For information please call or write....," followed by the  
54 name, telephone number and/or address of a person or department selected  
55 by the municipal corporation to explain the provisions of this section.  
56 Each cooperative apartment corporation shall notify each tenant-stock-

holder thereof in residence of such provisions as set forth herein. Failure to notify, or cause to be notified any person who is in fact, eligible to receive the exemption provided by this section or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes or PILOT on property owned by such person.

4-a. (a) A senior citizen eligible for the exemption provided for in subdivision one of this section may request that a notice be sent to an adult third party. Such request shall be made on a form prescribed by the commissioner and shall be submitted to the assessor of the assessing unit in which the eligible taxpayer resides no later than sixty days before the last application date for the first taxable status date to which it is to apply. Such form shall provide a section whereby the designated third party shall consent to such designation. Such request shall be effective upon receipt by the assessor. The assessor shall maintain a list of all eligible property owners who have requested notices pursuant to this paragraph.

(b) A notice shall be sent to the designated third party at least thirty days prior to the last application date for each ensuing taxable status date; provided that no such notice need be sent in the first year if the request was not received by the assessor at least sixty days before the last application date for the applicable taxable status date. Such notice shall read substantially as follows: "On behalf of (identify senior citizen or citizens), you are advised that his, her, or their renewal application for the senior exemption must be filed with the assessor no later than (enter date). You are encouraged to remind him, her, or them of that fact, and to offer assistance if needed, although you are under no legal obligation to do so. Your cooperation and assistance are greatly appreciated."

(c) A notice shall be sent to the designated third party whenever the assessor sends a notice to the senior citizen regarding the possible removal of the senior exemption. Such notice shall read substantially as follows: "On behalf of (identify senior citizen or citizens), you are advised that his, her, or their senior exemption is at risk of being removed. You are encouraged to make sure that he, she or they are aware of that fact, and to offer assistance if needed, although you are under no legal obligation to do so. Your cooperation and assistance are greatly appreciated."

(d) The obligation to mail such notices shall cease if the eligible taxpayer cancels the request or ceases to qualify for the senior exemption.

(e) Failure to mail any notice required by this subdivision, or the failure of a party to receive same, shall not affect the validity of the levy, collection, or enforcement of taxes or PILOT on property owned by such person, or in the case of a third party notice, on property owned by the senior citizen.

5. Application for such exemption must be made by the owner, or all of the owners of the property, on forms prescribed by the commissioner to be furnished by the appropriate assessing authority and shall furnish the information and be executed in the manner required or prescribed in such forms, and shall be filed in such assessor's office on or before the appropriate taxable status date. Notwithstanding any other provision of law, at the option of the municipal corporation, any person otherwise qualifying under this section shall not be denied the exemption under this section if he becomes sixty-five years of age after the appropriate

1 taxable status date and on or before December thirty-first of the same  
2 year.

3 5-a. Any local law or ordinance adopted pursuant to paragraph (a) of  
4 subdivision one of this section may be amended, or a local law or ordi-  
5 nance may be adopted to provide, notwithstanding subdivision five of  
6 this section, that an application for such exemption may be filed with  
7 the assessor after the appropriate taxable status date but not later  
8 than the last date on which a petition with respect to complaints of  
9 assessment may be filed, where failure to file a timely application  
10 resulted from: (a) a death of the applicant's spouse, child, parent,  
11 brother or sister; or (b) an illness of the applicant or of the appli-  
12 cant's spouse, child, parent, brother or sister, which actually prevents  
13 the applicant from filing on a timely basis, as certified by a licensed  
14 physician. The assessor shall approve or deny such application as if it  
15 had been filed on or before the taxable status date.

16 5-b. Notwithstanding the provisions of this section or any other  
17 provision of law, a county with an annual taxable status date of January  
18 first or January second and with a population of one million or more,  
19 may, at its option and by amendment or adoption of a local law or ordi-  
20 nance, authorize its assessor to accept applications for the exemption  
21 from real property taxes or PILOT authorized pursuant to this section on  
22 a date later than such county's statutory deadline date for receiving  
23 applications for such exemption. Any application filed later than such  
24 statutory deadline date which is in compliance with such local law or  
25 ordinance amended or adopted pursuant to this subdivision and which  
26 meets all other necessary requirements for granting the exemption  
27 authorized by this section shall be deemed to have been timely filed  
28 prior to such statutory deadline date, and any individual or individuals  
29 for whom such an application has been filed shall be granted such  
30 exemption and shall receive such exemption on the assessment [~~roles~~]  
31 rolls prepared for such county on the basis of the taxable status date  
32 immediately preceding the date such application was filed.

33 5-c. Notwithstanding the provisions of this section or any other  
34 provision of law, in a city having a population of one million or more,  
35 applications for the exemption authorized pursuant to this section shall  
36 be considered timely filed if they are filed on or before the fifteenth  
37 day of March of the appropriate year.

38 6. (a) At least sixty days prior to the appropriate taxable status  
39 date, the assessing authority shall mail to each person who was granted  
40 exemption pursuant to this section on the latest completed assessment  
41 roll an application form and a notice that such application must be  
42 filed on or before the taxable status date and be approved in order for  
43 the exemption to be granted. The assessing authority shall, within three  
44 days of the completion and filing of the tentative assessment roll,  
45 notify by mail any applicant who has included with his application at  
46 least one self-addressed, pre-paid envelope, of the approval or denial  
47 of the application; provided, however, that the assessing authority  
48 shall, upon the receipt and filing of the application, send by mail  
49 notification of receipt to any applicant who has included two of such  
50 envelopes with the application. Where an applicant is entitled to a  
51 notice of denial pursuant to this subdivision, such notice shall be on a  
52 form prescribed by the commissioner and shall state the reasons for such  
53 denial and shall further state that the applicant may have such determi-  
54 nation reviewed in the manner provided by law. Failure to mail any such  
55 application form or notices or the failure of such person to receive any

1 of the same shall not prevent the levy, collection and enforcement of  
2 the payment of the taxes or PILOT on property owned by such person.

3 (b) Except in cities of one million or more, any person who has been  
4 granted exemption pursuant to this section on five (5) consecutive  
5 completed assessment rolls, including any years when the exemption was  
6 granted to a property owned by a husband and/or wife while both resided  
7 in such property, shall not be subject to the requirements set forth in  
8 paragraph (a) of this subdivision provided the governing board of the  
9 municipality in which said property is situated after public hearing  
10 adopts a local law, ordinance or resolution providing therefor however  
11 said person shall be mailed an application form and a notice informing  
12 him of his rights. Such exemption shall be automatically granted on each  
13 subsequent assessment roll. Provided, however, that when tax payment is  
14 made by such person a sworn affidavit must be included with such payment  
15 which shall state that such person continues to be eligible for such  
16 exemption. Such affidavit shall be on a form prescribed by the commis-  
17 sioner. If such affidavit is not included with the tax payment, the  
18 collecting officer shall proceed pursuant to section five hundred  
19 fifty-one-a of this chapter.

20 (c) In cities of one million or more, any person who has been granted  
21 exemption pursuant to this section shall file the completed application  
22 with the appropriate assessing authority every twenty-four months from  
23 the date such exemption was granted without the necessity of having been  
24 granted exemption pursuant to this section on five (5) consecutive  
25 completed assessment rolls including any years when the exemption was  
26 granted to a property owned by a husband and/or wife while both resided  
27 in such property.

28 7. Any conviction of having made any wilful false statement in the  
29 application for such exemption, shall be punishable by a fine of not  
30 more than one hundred dollars and shall disqualify the applicant or  
31 applicants from further exemption for a period of five years.

32 8. Notwithstanding the provisions of subdivisions five and six of this  
33 section, the local governing body of a city, town, village or county  
34 having the power to assess may adopt a local law authorizing the asses-  
35 sor or assessors of such city, town, village or county to accept appli-  
36 cations for renewal of exemptions pursuant to this section after taxable  
37 status date. Such local law shall provide that in the event the owner,  
38 or all of the owners, of property which has received an exemption pursu-  
39 ant to this section on the preceding assessment roll fail to file the  
40 application required pursuant to this section on or before taxable  
41 status date such owner or owners may file the application, executed as  
42 if such application had been filed on or before the taxable status date,  
43 with the assessor on or before the date for the hearing of complaints.

44 8-a. Notwithstanding any provision of law to the contrary, the local  
45 governing body of a municipal corporation that is authorized to adopt a  
46 local law pursuant to subdivision eight of this section is further  
47 authorized to adopt a local law providing that where a renewal applica-  
48 tion for the exemption authorized by this section has not been filed on  
49 or before the taxable status date, and the owner believes that good  
50 cause existed for the failure to file the renewal application by that  
51 date, the owner may, no later than the last day for paying taxes or  
52 PILOT without incurring interest or penalty, submit a written request to  
53 the assessor asking him or her to extend the filing deadline and grant  
54 the exemption. Such request shall contain an explanation of why the  
55 deadline was missed, and shall be accompanied by a renewal application,  
56 reflecting the facts and circumstances as they existed on the taxable

1 status date. The assessor may extend the filing deadline and grant the  
2 exemption if he or she is satisfied that (i) good cause existed for the  
3 failure to file the renewal application by the taxable status date, and  
4 that (ii) the applicant is otherwise entitled to the exemption. The  
5 assessor shall mail notice of his or her determination to the owner. If  
6 the determination states that the assessor has granted the exemption, he  
7 or she shall thereupon be authorized and directed to correct the assess-  
8 ment roll accordingly, or, if another person has custody or control of  
9 the assessment roll, to direct that person to make the appropriate  
10 corrections. If the correction is not made before taxes are levied, the  
11 failure to take the exemption into account in the computation of the tax  
12 shall be deemed a "clerical error" for purposes of title three of arti-  
13 cle five of this chapter, and shall be corrected accordingly.

14 9. (a) (i) Notwithstanding the provisions of subdivision five of this  
15 section, where a person who meets the requirements for an exemption  
16 pursuant to this section, purchases property after the levy of taxes or  
17 PILOT, such person may file an application for exemption to the assessor  
18 within thirty days of the transfer of title to such person. The assessor  
19 shall make a determination of whether the parcel would have qualified  
20 for exempt status for PILOT or on the tax roll on which the taxes were  
21 levied, had title to the parcel been in the name of the applicant on the  
22 taxable status date applicable to the tax roll. The application shall be  
23 on a form prescribed by the commissioner. The assessor, no later than  
24 thirty days after receipt of such application, shall notify both the  
25 applicant and the board of assessment review, by first class mail, of  
26 the exempt amount, if any, and the right of the owner to a review of the  
27 exempt amount upon the filing of a written complaint. Such complaint  
28 shall be on a form prescribed by the commissioner and shall be filed  
29 with the board of assessment review within twenty days of the mailing of  
30 this notice. If no complaint is received, the board of assessment review  
31 shall so notify the assessor and the exempt amount determined by the  
32 assessor shall be final. If the applicant files a complaint, the board  
33 of assessment review shall schedule a time and place for a hearing with  
34 respect thereto no later than thirty days after the mailing of the  
35 notice by the assessor. The board of assessment review shall meet and  
36 determine the exempt amount, and shall immediately notify the assessor  
37 and the applicant, by first class mail, of its determination. The amount  
38 of exemption determined pursuant to this paragraph shall be subject to  
39 review as provided in article seven of this chapter. Such a proceeding  
40 shall be commenced within thirty days of the mailing of the notice of  
41 the board of assessment review to the new owner as provided in this  
42 paragraph.

43 (ii) Upon receipt of a determination of exempt amount as provided in  
44 subparagraph (i) of this paragraph, the assessor shall determine the pro  
45 rata exemption to be credited toward such property by multiplying the  
46 tax rate or tax rates for each municipal corporation which levied taxes,  
47 or for which taxes were levied, on the appropriate tax roll used for the  
48 fiscal year or years during which the transfer occurred times the exempt  
49 amount, as determined in subparagraph (i) of this paragraph, times the  
50 fraction of each fiscal year or years remaining subsequent to the trans-  
51 fer of title. The assessor shall immediately transmit a statement of the  
52 pro rata exemption credit due to each municipal corporation which levied  
53 taxes or for which taxes were levied on the tax roll used for the fiscal  
54 year or years during which the transfer occurred and to the applicant.

55 (iii) Each municipal corporation which receives notice of pro rata  
56 exemption credits pursuant to this subdivision shall include an appro-



1 priation in its budget for the next fiscal year equal to the aggregate  
2 amount of such credits to be applied in that fiscal year. Where a  
3 parcel, the owner of which is entitled to a pro rata exemption credit,  
4 is subject to taxation or PILOT in said next fiscal year, the receiver  
5 or collector shall apply the credit to reduce the amount of taxes or  
6 PILOT owed for the parcel in such fiscal year. Pro rata exemption cred-  
7 its in excess of the amount of taxes or PILOT, if any, owed for the  
8 parcel shall be paid by the treasurer of a municipal corporation which  
9 levies such taxes or PILOT for or on behalf of the municipal corporation  
10 to all owners of property entitled to such credits within thirty days of  
11 the expiration of the warrant to collect taxes or the deadline to pay  
12 PILOT in said next fiscal year.

13 (b) (i) Notwithstanding the provisions of subdivision five of this  
14 section, where a person who meets the requirements for an exemption  
15 pursuant to this section, purchases property after the taxable status  
16 date but prior to the levy of taxes or PILOT, such person may file an  
17 application for an exemption to the assessor within thirty days of the  
18 transfer of title to such person. The assessor shall make a determi-  
19 nation within thirty days after receipt of such application of whether  
20 the applicant would qualify for an exemption pursuant to this section on  
21 the assessment roll if title had been in the name of the applicant on  
22 the taxable status date applicable to such assessment roll. The applica-  
23 tion shall be made on a form prescribed by the commissioner.

24 (ii) If the assessor's determination is made prior to the filing of  
25 the tentative assessment roll, the assessor shall enter the exempt  
26 amount, if any, on the tentative assessment roll and, within ten days  
27 after filing such roll, notify the applicant of the approval or denial  
28 of such exemption, the exempt amount, if any, and the applicant's right  
29 to review by the board of assessment review.

30 (iii) If the assessor's determination is made after the filing of the  
31 tentative assessment roll, the assessor shall petition the board of  
32 assessment review to correct the tentative or final assessment roll in  
33 the manner provided in title three of article five of this chapter, with  
34 respect to unlawful entries, in the case of wholly exempt parcels, and  
35 with respect of clerical errors, in the case of partially exempt  
36 parcels, if the assessor determines that an exemption should be granted  
37 and, within ten days of petitioning the board of assessment review,  
38 notify the applicant of the approval or denial of such exemption, the  
39 amount of such exemption, if any, and the applicant's right to adminis-  
40 trative or judicial review of such determination pursuant to article  
41 five or seven of this chapter, respectively.

42 (c) If, for any reason, a determination to exempt property from taxa-  
43 tion as provided in paragraph (b) of this subdivision is not entered on  
44 the final assessment roll, the assessor shall petition the board of  
45 assessment review to correct the final assessment roll.

46 (d) If, for any reason, the pro rata tax or PILOT credit as provided  
47 in paragraph (a) of this subdivision is not extended against the tax  
48 roll immediately succeeding the fiscal year during which the transfer  
49 occurred, the assessor shall immediately notify the municipal corpo-  
50 ration which levied the tax or PILOT amount or for which the taxes or  
51 PILOT were levied of the amount of pro rata exemption credits for the  
52 year in which such transfer occurred. Such municipal corporation shall  
53 proceed as provided in subparagraph (iii) of paragraph (a) of this  
54 subdivision.

55 (e) If, for any reason, a determination to exempt property from taxa-  
56 tion or PILOT as provided in paragraph (b) of this subdivision is not



1 entered on the tax roll for the year immediately succeeding the fiscal  
2 year during which the transfer occurred, the assessor shall determine  
3 the pro rata tax exemption credit for such tax roll by multiplying the  
4 tax rate or tax rates for each municipal corporation which levied taxes  
5 or for which taxes were levied times the exempt amount and shall imme-  
6 diately notify such municipal corporation or corporations of the pro  
7 rata exemption credits for such tax roll. Such municipal corporation  
8 shall add such pro rata exemption credits for such property to any  
9 outstanding pro rata exemption amounts and proceed as provided in  
10 subparagraph (iii) of paragraph (a) of this subdivision.

11 10. Notwithstanding any other provision of law to the contrary, the  
12 provisions of this section shall apply to real property in which a  
13 person or persons hold a legal life estate or which is held in trust  
14 solely for the benefit of a person or persons if such person or persons  
15 would otherwise be eligible for a real property tax or PILOT exemption,  
16 pursuant to subdivision one of this section, were such person or persons  
17 the owner or owners of such real property.

18 11. (a) Notwithstanding any provision of law to the contrary, upon the  
19 request of an assessor, the commissioner may disclose to the assessor  
20 the names and addresses of the owners of property in that assessor's  
21 assessing unit who are receiving the enhanced STAR exemption or enhanced  
22 STAR credit and whose federal adjusted gross income is less than the  
23 uppermost amount specified by subparagraph three of paragraph (b) of  
24 subdivision one of this section (represented therein as M + \$8,400).  
25 Such amount shall be determined without regard to any local options that  
26 the municipal corporation may or may not have exercised in relation to  
27 increasing or decreasing the maximum income eligibility level authorized  
28 by this section, provided that the amount so determined for a city with  
29 a population of one million or more shall take into account the distinct  
30 maximum income eligibility level established for such city by paragraph  
31 (a) of subdivision three of this section. In no case shall the commis-  
32 sioner disclose to an assessor the amount of an owner's federal adjusted  
33 gross income.

34 (b) The assessor may use the information contained in such a report to  
35 contact those owners who are not already receiving the exemption author-  
36 ized by this section and to suggest that they consider applying for it.  
37 Provided, however, that nothing contained herein shall be construed as  
38 enabling any person or persons to qualify for the exemption authorized  
39 by this section on the basis of their federal adjusted gross income,  
40 rather than on the basis of their income as determined pursuant to the  
41 provisions of paragraph (a) of subdivision three of this section.

42 (c) Information disclosed to an assessor pursuant to this subdivision  
43 shall be used only for purposes of real property tax administration. It  
44 shall be deemed confidential otherwise, and shall not be subject to the  
45 provisions of article six of the public officers law.

46 § 2. Section 459-c of the real property tax law, as added by chapter  
47 315 of the laws of 1997, paragraph (a) of subdivision 1 as amended by  
48 chapter 348 of the laws of 2007, paragraph (b) and the closing paragraph  
49 of subdivision 2 as amended by chapter 265 of the laws of 2013, subdivi-  
50 sion 3 as amended by section 10 of part E of chapter 83 of the laws of  
51 2002, subdivision 4 as amended by chapter 72 of the laws of 2005, para-  
52 graph (a) of subdivision 5 as amended by chapter 131 of the laws of  
53 2017, subdivision 7 as further amended by subdivision (b) of section 1  
54 of part W of chapter 56 of the laws of 2010, and subdivision 7-a as  
55 added by chapter 531 of the laws of 2006, is amended to read as follows:

§ 459-c. Persons with disabilities and limited incomes. 1. (a) Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, or real property owned by one or more persons, some of whom qualify under this section and the others of whom qualify under section four hundred sixty-seven of this title, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from payments in lieu of taxes (PILOT) to the battery city park authority or from taxation by any municipal corporation in which located to the extent of fifty per centum of the assessed valuation thereof as hereinafter provided. After a public hearing, the governing board of a county, city, town or village may adopt a local law and a school district, other than a school district subject to article fifty-two of the education law, may adopt a resolution to grant the exemption authorized pursuant to this section.

(b) Any local law or resolution adopted pursuant to paragraph (a) of this subdivision may be amended, or a local law or resolution may be adopted, to provide an exemption so as to increase the maximum income eligibility level of such municipal corporation as provided in subdivision five of this section (represented in the hereinbelow schedule as M), to the extent provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION <u>OR PILOT</u>
More than (M) but less than (M+ \$1,000)	45 per centum
(M+ \$1,000 or more) but less than (M+ \$2,000)	40 per centum
(M+ \$2,000 or more) but less than (M+ \$3,000)	35 per centum
(M+ \$3,000 or more) but less than (M+ \$3,900)	30 per centum
(M+ \$3,900 or more) but less than (M+ \$4,800)	25 per centum
(M+ \$4,800 or more) but less than (M+ \$5,700)	20 per centum
(M+ \$5,700 or more) but less than (M+ \$6,600)	15 per centum
(M+ \$6,600 or more) but less than (M+ \$7,500)	10 per centum
(M + \$7,500 or more) but less than (M+ \$8,400)	5 per centum

2. For purposes of this section: (a) "sibling" shall mean a brother or a sister, whether related through half blood, whole blood or adoption.

(b) a person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who (i) is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal Social Security Act, or (ii) is certified to receive Railroad Retirement Disability benefits under the federal railroad Retirement Act, or (iii) has received a certificate from the state commission for the blind stating that such person is legally blind, or (iv) is certified to receive a United States Postal Service disability pension,

1 or (v) is certified to receive a United States department of veterans  
2 affairs disability pension pursuant to 38 U.S.C. §1521.

3 An award letter from the Social Security Administration or the Rail-  
4 road Retirement Board, or a certificate from the state commission for  
5 the blind, or an award letter from the United States Postal Service, or  
6 an award letter from the United States department of veterans affairs  
7 shall be submitted as proof of disability.

8 3. Any exemption provided by this section shall be computed after all  
9 other partial exemptions allowed by law, excluding the school tax relief  
10 (STAR) exemption authorized by section four hundred twenty-five of this  
11 title, have been subtracted from the total amount assessed; provided,  
12 however, that no parcel may receive an exemption for the same PILOT or  
13 municipal tax purpose pursuant to both this section and section four  
14 hundred sixty-seven of this title.

15 4. Exemption from taxation for school purposes shall not be granted in  
16 the case of real property where a child resides if such child attends a  
17 public school of elementary or secondary education; unless the governing  
18 board of the school district in which the property is located, after  
19 public hearing, adopts a resolution providing for such exemption;  
20 provided that any such resolution shall condition such exemption upon  
21 satisfactory proof that the child was not brought into the residence in  
22 whole or in substantial part for the purpose of attending a particular  
23 school within the district. The procedure for such hearing and resol-  
24 ution must be conducted separately from the procedure for any hearing  
25 and local law, ordinance or resolution conducted pursuant to paragraph  
26 (a) of subdivision one of this section.

27 5. No exemption shall be granted:

28 (a) if the income of the owner or the combined income of the owners of  
29 the property for the income tax year immediately preceding the date of  
30 making application for exemption exceeds the sum of three thousand  
31 dollars, or such other sum not less than three thousand dollars nor more  
32 than twenty-six thousand dollars beginning July first, two thousand six,  
33 twenty-seven thousand dollars beginning July first, two thousand seven,  
34 twenty-eight thousand dollars beginning July first, two thousand eight,  
35 twenty-nine thousand dollars beginning July first, two thousand nine,  
36 and in a city with a population of one million or more fifty thousand  
37 dollars beginning July first, two thousand seventeen, as may be provided  
38 by the local law or resolution adopted pursuant to this section. Income  
39 tax year shall mean the twelve month period for which the owner or  
40 owners filed a federal personal income tax return, or if no such return  
41 is filed, the calendar year. Where title is vested in either the husband  
42 or the wife, their combined income may not exceed such sum, except where  
43 the husband or wife, or ex-husband or ex-wife is absent from the proper-  
44 ty due to divorce, legal separation or abandonment, then only the income  
45 of the spouse or ex-spouse residing on the property shall be considered  
46 and may not exceed such sum. Such income shall include social security  
47 and retirement benefits, interest, dividends, total gain from the sale  
48 or exchange of a capital asset which may be offset by a loss from the  
49 sale or exchange of a capital asset in the same income tax year, net  
50 rental income, salary or earnings, and net income from self-employment,  
51 but shall not include a return of capital, gifts, inheritances or monies  
52 earned through employment in the federal foster grandparent program and  
53 any such income shall be offset by all medical and prescription drug  
54 expenses actually paid which were not reimbursed or paid for by insur-  
55 ance, if the governing board of a municipality, after a public hearing,  
56 adopts a local law or resolution providing therefor. In computing net

rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

(b) unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation or PILOT and the remaining portion only shall be entitled to the exemption provided by this section;

(c) unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section twenty-eight hundred one of the public health law, provided that any income accruing to that person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

6. (a) If so provided in the local law or resolution adopted pursuant to this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(b) That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation or PILOT pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes or PILOT realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes or PILOT otherwise payable by or chargeable to such tenant-stockholder.

7. Application for such exemption must be made annually by the owner, or all of the owners of the property, on forms prescribed by the commissioner, and shall be filed in such assessor's office on or before the appropriate taxable status date; provided, however, proof of a permanent disability need be submitted only in the year exemption pursuant to this section is first sought or the disability is first determined to be permanent.

7-a. Notwithstanding the provisions of this section or any other provision of law, in a city having a population of one million or more, applications for the exemption authorized pursuant to this section shall be considered timely filed if they are filed on or before the fifteenth day of March of the appropriate year and in such city all references in this section to taxable status date shall be deemed to refer to the fifteenth day of March of the appropriate year.

8. At least sixty days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to

1 continue to be granted. Failure to mail such application form or the  
2 failure of such person to receive the same shall not prevent the levy,  
3 collection and enforcement of the payment of the taxes or PILOT on prop-  
4 erty owned by such person.

5 9. Notwithstanding any other provision of law to the contrary, the  
6 provisions of this section shall apply to real property held in trust  
7 solely for the benefit of a person or persons who would otherwise be  
8 eligible for a real property tax or PILOT exemption, pursuant to subdivi-  
9 sion one of this section, were such person or persons the owner or  
10 owners of such real property.

11 § 3. This act shall take effect immediately.

12 PART C

13 Section 1. Notwithstanding any provision of law to the contrary, with-  
14 in six months of the effective date of this act, the battery park city  
15 authority shall extend the expiration date of the lease between the  
16 authority and the city of New York, dated November 24, 1969 and recorded  
17 December 26, 1969 on page 1 of reel 161, as supplemented, restated and  
18 amended, until June 18, 2119.

19 § 2. This act shall take effect immediately.

20 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
21 sion, section or part of this act shall be adjudged by any court of  
22 competent jurisdiction to be invalid, such judgment shall not affect,  
23 impair, or invalidate the remainder thereof, but shall be confined in  
24 its operation to the clause, sentence, paragraph, subdivision, section  
25 or part thereof directly involved in the controversy in which such judg-  
26 ment shall have been rendered. It is hereby declared to be the intent of  
27 the legislature that this act would have been enacted even if such  
28 invalid provisions had not been included herein.

29 § 3. This act shall take effect immediately; provided, however, that  
30 the applicable effective date of Parts A through C of this act shall be  
31 as specifically set forth in the last section of such Parts.