

STATE OF NEW YORK

10411

IN ASSEMBLY

May 24, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Bichotte Hermelyn) -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to the appropriate tax year for assessing income requirements for certain real property tax exemptions in a city with a population of one million or more

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

1 Section 1. Clause 1 of subparagraph (v) of paragraph (a) of subdivision 5 of section 459-c of the real property tax law, as added by chapter 276 of the laws of 2023, is amended to read as follows:

2 (1) except as provided in clause two of this subparagraph, the term
3 "income" as used in this section shall mean the "adjusted gross income"
4 for federal income tax purposes as reported on the applicant's federal
5 or state income tax return for the most recent income tax year [~~immediately preceding the date of application~~] or years for which data is
6 sufficiently available to determine the applicant's eligibility for
7 exemptions pursuant to this section, subject to any subsequent amendments or revisions, minus any distributions, to the extent included in
8 federal adjusted gross income, received from an individual retirement
9 account and an individual retirement annuity; provided that if no such
10 return was filed for such income tax year, the applicant's income shall
11 be determined based on the amounts that would have so been reported if
12 such a return had been filed; and

13 § 2. Clause 1 of subparagraph (v) of paragraph (a) of subdivision 3 of section 467 of the real property tax law, as added by chapter 276 of the laws of 2023, is amended to read as follows:

14 (1) Except as provided in clause two of this subparagraph, the term
15 "income" as used in this section shall mean the "adjusted gross income"
16 for federal income tax purposes as reported on the applicant's federal
17 or state income tax return for the most recent income tax year [~~immediately preceding the date of application~~] or years for which data is
18 sufficiently available to determine the applicant's eligibility for
19 exemptions pursuant to this section, subject to any subsequent amendments or revisions, minus any distributions, to the extent included in

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

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1 federal adjusted gross income, received from an individual retirement
2 account and an individual retirement annuity; provided that if no such
3 return was filed for such income tax year, the applicant's income shall
4 be determined based on the amounts that would have so been reported if
5 such a return had been filed; and

6 § 3. Clause (A) of subparagraph (ii) of paragraph c of subdivision 1
7 of section 467-b of the real property tax law, as amended by chapter 276
8 of the laws of 2023, is amended to read as follows:

9 (A) the sum of the adjusted gross incomes reported on the federal
10 income tax returns of the applicant and all other members of the appli-
11 cant's household for the most recent income tax year [~~immediately~~
12 ~~preceding the date of application~~] or years for which data is suffi-
13 ciently available to determine the applicant's eligibility for
14 exemptions pursuant to this section, subject to any subsequent amend-
15 ments or revisions, less any distributions, to the extent included in
16 each such adjusted gross income, received from an individual retirement
17 account or retirement annuity; provided that if no such income tax
18 return was filed by any member of the applicant's household for such
19 income tax year, the income of such applicant or member of the appli-
20 cant's household shall be determined as if such a return had been filed;

21 § 4. Clause (i) of subparagraph 2 of paragraph f of subdivision 1 of
22 section 467-c of the real property tax law, as amended by chapter 276 of
23 the laws of 2023, is amended to read as follows:

24 (i) the sum of the adjusted gross incomes reported on the federal
25 income tax returns of the applicant and all other members of the appli-
26 cant's household for the most recent income tax year [~~immediately~~
27 ~~preceding the date of application~~] or years for which data is suffi-
28 ciently available to determine the applicant's eligibility for
29 exemptions pursuant to this section, subject to any subsequent amend-
30 ments or revisions, less any distributions, to the extent included in
31 each such adjusted gross income, received from an individual retirement
32 account or retirement annuity; provided that if no such income tax
33 return was filed by any member of the applicant's household for such
34 income tax year, the income of such applicant or member of the appli-
35 cant's household shall be determined as if such a return had been filed;

36 § 5. This act shall take effect immediately and shall be deemed to
37 have been in full force and effect on and after May 3, 2023.