

# STATE OF NEW YORK

2248

2023-2024 Regular Sessions

## IN SENATE

January 19, 2023

Introduced by Sen. WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the real property tax law, in relation to providing real property tax relief to certain veterans

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

1 Section 1. The real property tax law is amended by adding a new  
2 section 458-d to read as follows:

3 § 458-d. Reservists; local property tax credit. 1. A county, city,  
4 town or village in this state may adopt a local law to provide qualify-  
5 ing residential real property a real property tax credit of up to four  
6 hundred dollars for the purpose of recognizing the service of residents  
7 of this state who have served in the military reserves of the United  
8 States or of the organized militia of the state of New York. Where qual-  
9 ifying residential real property is owned by more than one qualified  
10 owner, the real property tax credit to which each such owner is entitled  
11 under this section may be combined. Where a reservist is also the non-  
12 remarried surviving spouse of another reservist, such surviving spouse  
13 may receive any real property tax credit under this section to which  
14 such surviving spouse's deceased spouse was entitled, in addition to the  
15 real property tax credit such surviving spouse is themselves entitled  
16 under this section.

17 2. An assessor shall apply the real property tax credit under subdivi-  
18 sion one of this section, as authorized by a municipality, to a qualify-  
19 ing owner's village, town, county and special district taxes.

20 3. The real property tax credit under this section shall only be  
21 applied to county, city, town, village and special district taxes.

22 4. If a qualified owner is already receiving an exemption under  
23 section four hundred fifty-eight, four hundred fifty-eight-a, or four

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

LBD01294-01-3

1 hundred fifty-eight-b of this title, such qualifying owner shall not be  
2 eligible for the real property tax credit under this section.

3 5. The commissioner of the department of taxation and finance shall  
4 develop a uniform application for use by local assessors for the real  
5 property tax credit under this section, and shall publish any related  
6 materials to support the use of such real property tax credit on its  
7 public website.

8 6. For the purposes of this section, the following terms shall have  
9 the following meanings:

10 (a) "Reservist" means any person who is or has been a member of the  
11 armed forces of the United States who served in the Army, Navy, Air  
12 Force, Marine Corps, Coast Guard or any reserve force or reserve compo-  
13 nent of the armed forces of the United States, or of the organized mili-  
14 tia of the state of New York, provided that such person is either a  
15 member in good standing, or has received a discharge under honorable or  
16 general conditions, after no less than ten years of service.

17 (b) "Qualified owner" means a reservist, the spouse of a reservist, or  
18 the non-remarried surviving spouse of a reservist.

19 (c) "Qualified residential real property" means property owned by a  
20 qualified owner which is used exclusively for residential purposes;  
21 provided, however, that in the event any portion of such property is not  
22 used exclusively for residential purposes but is used for other  
23 purposes, such portion shall be subject to taxation and the remaining  
24 portion shall be eligible for the real property tax credit under this  
25 section to be applied. Such property shall be the primary residence of  
26 the reservist or non-remarried surviving spouse of such reservist,  
27 unless the reservist or non-remarried surviving spouse of such reservist  
28 is absent from such property due to medical reasons or institutionaliza-  
29 tion. In the event the reservist dies and there is no non-remarried  
30 surviving spouse, "qualifying residential real property" shall mean the  
31 primary residence owned by a qualified owner prior to death, provided  
32 that the title to such property becomes vested in the dependent father  
33 or mother or dependent child or children under twenty-one years of age  
34 of such reservist by virtue of devise by or descent from the deceased  
35 qualified owner, provided that such property is the primary residence of  
36 one or all of such devisees.

37 § 2. This act shall take effect immediately and shall apply to taxable  
38 years beginning on and after the first of January next succeeding the  
39 date on which it shall have become a law.