

# STATE OF NEW YORK

1257

2023-2024 Regular Sessions

## IN ASSEMBLY

January 13, 2023

Introduced by M. of A. STIRPE, SEAWRIGHT, THIELE, MAGNARELLI, KELLES, GUNTHER, HUNTER, ZEBROWSKI, SIMON, STECK, BRAUNSTEIN, DAVILA, JEAN-PIERRE, ANGELINO, MIKULIN, GALLAHAN -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to the term "income" for purposes of the school tax relief 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  
10 retirement annuity, a distribution from an account established under  
11 section 401(k) or 403(b) of the United States internal revenue code of  
12 1986 as amended, or a simplified employee pension plan (SEP) established  
13 pursuant to the United States internal revenue code of 1986 as amended;  
14 provided that if no such return was filed for the applicable income tax  
15 year, "income" shall mean the adjusted gross income that would have been  
16 so reported if such a return had been filed. Provided further, that  
17 effective with exemption applications for final assessment rolls to be  
18 completed in two thousand nineteen, where an income-eligibility determi-  
19 nation is wholly or partly based upon the income of one or more individ-  
20 uals who did not file a return for the applicable income tax year, then  
21 in order for the application to be considered complete, each such indi-  
22 vidual must file a statement with the department showing the source or  
23 sources of his or her income for that income tax year, and the amount or

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

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1 amounts thereof, that would have been reported on such a return if one  
2 had been filed. Such statement shall be filed at such time, and in such  
3 form and manner, as may be prescribed by the department, and shall be  
4 subject to the secrecy provisions of the tax law to the same extent that  
5 a personal income tax return would be. The department shall make such  
6 forms and instructions available for the filing of such statements. The  
7 local assessor shall upon the request of a taxpayer assist such taxpayer  
8 in the filing of the statement with the department.  
9 § 2. This act shall take effect on the first of January next succeed-  
10 ing the date on which it shall have become a law.