

# STATE OF NEW YORK

2804

2023-2024 Regular Sessions

## IN ASSEMBLY

January 27, 2023

Introduced by M. of A. J. A. GIGLIO -- read once and referred to the  
Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to establishing  
an exemption for reservists

The People of the State of New York, represented in Senate and Assem-  
bly, 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. Reservist exemption. 1. The following terms whenever used or  
4 referred to in this section shall have the following meanings unless a  
5 different meaning clearly appears in the context:

6 (a) "Reservist" means any member, whether or not such member was  
7 ordered to active duty, of the federal reserve force of the United  
8 States military.

9 (b) "Period of war" means the Spanish-American war; the Mexican border  
10 period; World War I; World War II; the hostilities, known as the Korean  
11 war, which commenced June twenty-seventh, nineteen hundred fifty and  
12 terminated on January thirty-first, nineteen hundred fifty-five; the  
13 hostilities, known as the Vietnam war, which commenced February twenty-  
14 eighth, nineteen hundred sixty-one and terminated on May seventh, nine-  
15 teen hundred seventy-five; and the hostilities, known as the Persian  
16 Gulf conflict, which commenced August second, nineteen hundred ninety.

17 (c) "Service connected" means, with respect to disability or death,  
18 that such disability was incurred or aggravated, or that the death  
19 resulted from a disability incurred or aggravated, in line of duty in  
20 the active military, naval or air service.

21 (d) "Qualified owner" means a reservist, the spouse of a reservist or  
22 the unremarried surviving spouse of a reservist. Where property is owned  
23 by more than one qualified owner, the exemption to which each is enti-  
24 tled may be combined. Where a reservist is also the unremarried surviv-  
25 ing spouse of a reservist or veteran, such person may also receive any  
26 exemption to which the deceased spouse was entitled.

27 (e) "Qualifying residential real property" means property owned by a  
28 qualified owner which is used exclusively for residential purposes;

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

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1 provided however, that in the event any portion of such property is not  
2 so used exclusively for residential purposes but is used for other  
3 purposes, such portion shall be subject to taxation and the remaining  
4 portion only shall be entitled to the exemption provided by this  
5 section. Such property must be the primary residence of the reservist or  
6 unremarried surviving spouse of the reservist, unless the reservist or  
7 unremarried surviving spouse is absent from the property due to medical  
8 reasons or institutionalization. In the event the reservist dies and  
9 there is no unremarried surviving spouse, "qualifying residential real  
10 property" shall mean the primary residence owned by a qualified owner  
11 prior to death, provided that the title to the property becomes vested  
12 in the dependent father or mother or dependent child or children under  
13 twenty-one years of age of a reservist by virtue of devise by or descent  
14 from the deceased qualified owner, provided that the property is the  
15 primary residence of one or all of the devisees.

16 (f) "Latest state equalization rate" means the latest final state  
17 equalization rate or special equalization rate established by the  
18 commissioner pursuant to article twelve of this chapter. The commission-  
19 er shall establish a special equalization rate if it finds that there  
20 has been a material change in the level of assessment since the estab-  
21 lishment of the latest state equalization rate, but in no event shall  
22 such special equalization rate exceed one hundred. In the event that  
23 the state equalization rate exceeds one hundred, then the state equal-  
24 ization rate shall be one hundred for the purposes of this section.  
25 Where a special equalization rate is established for purposes of this  
26 section, the assessor is directed and authorized to recompute the reser-  
27 vist exemption on the assessment roll by applying such special equaliza-  
28 tion rate instead of the latest state equalization rate applied in the  
29 previous year and to make the appropriate corrections on the assessment  
30 roll, notwithstanding the fact that such assessor may receive the  
31 special equalization rate after the completion, verification and filing  
32 of such final assessment roll. In the event that the assessor does not  
33 have custody of the roll when such recomputation is accomplished, the  
34 assessor shall certify such recomputation to the local officers having  
35 custody and control of such roll, and such local officers are hereby  
36 directed and authorized to enter the recomputed reservist exemption  
37 certified by the assessor on such roll.

38 (g) "Latest class ratio" means the latest final class ratio estab-  
39 lished by the commissioner pursuant to title one of article twelve of  
40 this chapter for use in a special assessing unit as defined in section  
41 eighteen hundred one of this chapter.

42 2. (a) Qualifying residential real property shall be exempt from taxa-  
43 tion to the extent of fifteen percent of the assessed value of such  
44 property; provided, however, that such exemption shall not exceed twelve  
45 thousand dollars or the product of twelve thousand dollars multiplied by  
46 the latest state equalization rate for the assessing unit, or in the  
47 case of a special assessing unit, the latest class ratio, whichever is  
48 less.

49 (b) In addition to the exemption provided by paragraph (a) of this  
50 subdivision, where the reservist served in a combat theatre or combat  
51 zone of operations, as documented by the award of a United States  
52 campaign ribbon or service medal, or the armed forces expeditionary  
53 medal, or global war on terrorism expeditionary medal, qualifying resi-  
54 dential real property also shall be exempt from taxation to the extent  
55 of ten percent of the assessed value of such property; provided, howev-  
56 er, that such exemption shall not exceed eight thousand dollars or the

1 product of eight thousand dollars multiplied by the latest state equal-  
2 ization rate for the assessing unit, or in the case of a special assess-  
3 ing unit, the class ratio, whichever is less.

4 (c) In addition to the exemptions provided by paragraphs (a) and (b)  
5 of this subdivision, where the reservist received a compensation rating  
6 from the United States veteran's administration or from the United  
7 States department of defense because of a service connected disability,  
8 qualifying residential real property shall be exempt from taxation to  
9 the extent of the product of the assessed value of such property multi-  
10 plied by fifty percent of the reservist's disability rating; provided,  
11 however, that such exemption shall not exceed forty thousand dollars or  
12 the product of forty thousand dollars multiplied by the latest state  
13 equalization rate for the assessing unit, or in the case of a special  
14 assessing unit, the latest class ratio, whichever is less. For purposes  
15 of this paragraph, where a person who served in the active military,  
16 naval or air service during a period of war died in service of a service  
17 connected disability, such person shall be deemed to have been assigned  
18 a compensation rating of one hundred percent.

19 (d) (i) The exemption from taxation provided by this subdivision shall  
20 be applicable to county, city, town and village taxation, but shall not  
21 be applicable to taxes levied for school purposes.

22 (ii) Each county, city, town or village may adopt a local law to  
23 reduce the maximum exemption allowable in paragraphs (a), (b) and (c) of  
24 this subdivision to nine thousand dollars, six thousand dollars and  
25 thirty thousand dollars, respectively, or six thousand dollars, four  
26 thousand dollars and twenty thousand dollars, respectively. Each county,  
27 city, town, or village is also authorized to adopt a local law to  
28 increase the maximum exemption allowable in paragraphs (a), (b) and (c)  
29 of this subdivision to fifteen thousand dollars, ten thousand dollars  
30 and fifty thousand dollars, respectively; eighteen thousand dollars,  
31 twelve thousand dollars and sixty thousand dollars, respectively; twen-  
32 ty-one thousand dollars, fourteen thousand dollars, and seventy thousand  
33 dollars, respectively; twenty-four thousand dollars, sixteen thousand  
34 dollars, and eighty thousand dollars, respectively; twenty-seven thou-  
35 sand dollars, eighteen thousand dollars, and ninety thousand dollars,  
36 respectively; thirty thousand dollars, twenty thousand dollars, and one  
37 hundred thousand dollars, respectively; thirty-three thousand dollars,  
38 twenty-two thousand dollars, and one hundred ten thousand dollars,  
39 respectively; thirty-six thousand dollars, twenty-four thousand dollars,  
40 and one hundred twenty thousand dollars, respectively. In addition, a  
41 county, city, town or village which is a "high-appreciation municipi-  
42 pality" as defined in this subparagraph is authorized to adopt a local  
43 law to increase the maximum exemption allowable in paragraphs (a), (b)  
44 and (c) of this subdivision to thirty-nine thousand dollars, twenty-six  
45 thousand dollars, and one hundred thirty thousand dollars, respectively;  
46 forty-two thousand dollars, twenty-eight thousand dollars, and one  
47 hundred forty thousand dollars, respectively; forty-five thousand  
48 dollars, thirty thousand dollars and one hundred fifty thousand dollars,  
49 respectively; forty-eight thousand dollars, thirty-two thousand dollars  
50 and one hundred sixty thousand dollars, respectively; fifty-one thousand  
51 dollars, thirty-four thousand dollars and one hundred seventy thousand  
52 dollars, respectively; fifty-four thousand dollars, thirty-six thousand  
53 dollars and one hundred eighty thousand dollars, respectively. For  
54 purposes of this subparagraph, a "high-appreciation municipality" means:  
55 (A) a special assessing unit that is a city, (B) a county for which the  
56 commissioner has established a sales price differential factor for

1 purposes of the STAR exemption authorized by section four hundred twenty-five of this title in three consecutive years, and (C) a city, town  
2 or village which is wholly or partly located within such a county.

3  
4 3. Application for exemption must be made by the owner, or all of the  
5 owners, of the property on a form prescribed by the commissioner. The  
6 owner or owners shall file the completed form in the assessor's office  
7 on or before the appropriate taxable status date. The exemption shall  
8 continue in full force and effect for all appropriate subsequent tax  
9 years and the owner or owners of the property shall not be required to  
10 refile each year. Applicants shall be required to refile on or before  
11 the appropriate taxable status date if the percentage of disability  
12 percentage increases or decreases or may refile if other changes have  
13 occurred which affect qualification for an increased or decreased amount  
14 of exemption. Any applicant convicted of making any willful false state-  
15 ment in the application for such exemption shall be subject to the  
16 penalties prescribed in the penal law.

17 4. Notwithstanding the provisions of this section or any other  
18 provision of law, in a city having a population of one million or more,  
19 applications for the exemption authorized pursuant to this section shall  
20 be considered timely filed if they are filed on or before the fifteenth  
21 day of March of the appropriate year.

22 5. Notwithstanding the foregoing provisions of this section, no later  
23 than ninety days before the taxable status date next occurring on or  
24 after the thirty-first day of December nineteen hundred eighty-four, the  
25 governing board of any county, city, town or village may adopt a local  
26 law to provide that no exemption shall be granted pursuant to this  
27 section for the purposes of taxes levied for such county, city, town or  
28 village. For the purposes of a county which is not an assessing unit,  
29 the taxable status date next occurring on or after December thirty-  
30 first, nineteen hundred eighty-four shall mean the first such taxable  
31 status date of any city or town within such county upon the assessment  
32 roll of which the county levies taxes. A local law adopted pursuant to  
33 this subdivision may be repealed by the governing board of the applica-  
34 ble county, city, town or village. Such repeal must occur at least nine-  
35 ty days prior to the taxable status date of such county, city, town or  
36 village.

37 6. Notwithstanding any other provision of law to the contrary, the  
38 provisions of this section shall apply to any real property held in  
39 trust solely for the benefit of a person or persons who would otherwise  
40 be eligible for a real property tax exemption, pursuant to this section,  
41 were such person or persons the owner or owners of such real property.

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

49 (b) Provided that all other eligibility criteria of this section are  
50 met, that proportion of the assessment of such real property owned by a  
51 cooperative apartment corporation determined by the relationship of such  
52 real property vested in such tenant-stockholder to such real property  
53 owned by such cooperative apartment corporation in which such tenant-  
54 stockholder resides shall be subject to exemption from taxation pursuant  
55 to this section and any exemption so granted shall be credited by the  
56 appropriate taxing authority against the assessed valuation of such real

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

5 (c) Notwithstanding paragraph (b) of this subdivision, a tenant-stock-  
6 holder who resides in a dwelling that is subject to the provisions of  
7 either article two, four, five or eleven of the private housing finance  
8 law shall not be eligible for an exemption pursuant to this section.

9 (d) Notwithstanding paragraph (b) of this subdivision, real property  
10 owned by a cooperative corporation may be exempt from taxation pursuant  
11 to this section by a municipality in which such property is located only  
12 if the governing body of such municipality, after public hearing, adopts  
13 a local law, ordinance or resolution providing therefor.

14 8. (a) As used in this subdivision, "Gold Star Parent" shall mean the  
15 parent of a child who died in the line of duty while serving in the  
16 United States armed forces during a period of war, who is not eligible  
17 for an exemption pursuant to subdivision seven of section four hundred  
18 fifty-eight-a of this title.

19 (b) A county, city, town, or village may adopt a local law to include  
20 a Gold Star Parent within the definition of "qualified owner", as  
21 provided in paragraph (d) of subdivision one of this section, and to  
22 include property owned by a Gold Star Parent within the definition of  
23 "qualifying residential real property" as provided in paragraph (e) of  
24 subdivision one of this section, provided that such property shall be  
25 the primary residence of the Gold Star Parent.

26 (c) The additional exemption provided for in paragraph (c) of subdivi-  
27 sion two of this section shall not apply to real property owned by a  
28 Gold Star Parent.

29 9. Notwithstanding the provisions of paragraph (c) of subdivision two  
30 of this section and subdivision three of this section, the governing  
31 body of any municipality may, after public hearing, adopt a local law,  
32 ordinance or resolution providing that where a reservist, the spouse of  
33 the reservist or unremarried surviving spouse already receiving an  
34 exemption pursuant to this section sells the property receiving the  
35 exemption and purchases property within the same city, town or village,  
36 the assessor shall transfer and prorate, for the remainder of the fiscal  
37 year, the exemption received. The prorated exemption shall be based upon  
38 the date the reservist, the spouse of the reservist or unremarried  
39 surviving spouse obtains title to the new property and shall be calcu-  
40 lated by multiplying the tax rate or rates for each municipal corpo-  
41 ration which levied taxes, or for which taxes were levied, on the appro-  
42 priate tax roll used for the fiscal year or years during which the  
43 transfer occurred times the previously granted exempt amount times the  
44 fraction of each fiscal year or years remaining subsequent to the trans-  
45 fer of title. Nothing in this section shall be construed to remove the  
46 requirement that any such reservist, the spouse of the reservist or  
47 unremarried surviving spouse transferring an exemption pursuant to this  
48 subdivision shall reapply for the exemption authorized pursuant to this  
49 section on or before the following taxable status date, in the event  
50 such reservist, the spouse of the reservist or unremarried surviving  
51 spouse wishes to receive the exemption in future fiscal years.

52 § 2. This act shall take effect on the first of January next succeed-  
53 ing the date on which it shall have become a law and shall apply to  
54 assessment rolls prepared on the basis of taxable status dates occurring  
55 on or after such date.