

# STATE OF NEW YORK

9782

## IN ASSEMBLY

April 9, 2024

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

AN ACT to amend the real property tax law, in relation to establishing a real property tax exemption for widows and widowers of firefighters killed in the line of duty

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 471 to read as follows:

3 § 471. Widows and widowers of firefighters killed in the line of duty.

4 1. Real property owned by a widow or widower of a firefighter killed in  
5 the line of duty, and constituting the primary residence of such widow  
6 or widower shall be deemed fully exempt from all taxes imposed upon such  
7 property for city, village, town, part town, special district or county  
8 purposes, provided that the governing body of a city, village, town or  
9 county, after a public hearing, adopts a local law, ordinance or resolu-  
10 tion providing therefor.

11 2. As used in this section, the term "firefighter" shall mean an  
12 enrolled member of an incorporated volunteer fire company or fire  
13 department, municipal fire company or fire department, and any person  
14 otherwise employed as a firefighter.

15 3. Notwithstanding any other provision of law to the contrary, the  
16 provisions of this section shall apply to any real property held in  
17 trust solely for the benefit of a person or persons who would otherwise  
18 be eligible for a real property tax exemption, pursuant to subdivision  
19 one of this section, were such person or persons the owner or owners of  
20 such real property.

21 4. (a) For the purposes of this section, title to that portion of real  
22 property owned by a cooperative apartment corporation in which a  
23 tenant-stockholder of such corporation resides and which is represented  
24 by their share or shares of stock in such corporation as determined by  
25 its or their proportional relationship to the total outstanding stock of  
26 the corporation, including that owned by the corporation, shall be  
27 deemed to be vested in such tenant-stockholder.

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

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1 (b) Provided that all other eligibility criteria of this section are  
2 met, that proportion of the assessment of such real property owned by a  
3 cooperative apartment corporation determined by the relationship of such  
4 real property vested in such tenant-stockholder to such real property  
5 owned by such cooperative apartment corporation in which such tenant-  
6 stockholder resides shall be subject to exemption from taxation pursuant  
7 to this section and any exemption so granted shall be credited by the  
8 appropriate taxing authority against the assessed valuation of such real  
9 property; the reduction in real property taxes realized thereby shall be  
10 credited by the cooperative apartment corporation against the amount of  
11 such taxes otherwise payable by or chargeable to such tenant-stockhold-  
12 er.

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

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

22 5. The commissioner shall develop, in consultation with the state fire  
23 administrator, a listing of documents to be used to establish eligibil-  
24 ity under this section. Such information shall be made available to each  
25 city, village, town, part town, special district and county assessor's  
26 office. The listing of acceptable records shall be made available on the  
27 internet websites of the state fire administrator and the office of real  
28 property tax services.

29 § 2. This act shall take effect on the first of January next succeed-  
30 ing the date on which it shall have become a law and shall apply to  
31 taxable status dates occurring on or after such date.