

STATE OF NEW YORK

9788

IN ASSEMBLY

April 9, 2024

Introduced by M. of A. K. BROWN, BUTTENSCHON, GUNTHER, SIMPSON, DeSTEFANO, LEMONDES, FLOOD, BRABENEC, BENDETT, McDONOUGH, GALLAHAN, ANGELINO, CHANG, E. BROWN, DURSO, MORINELLO, GANDOLFO -- 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 police officers 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 police officers killed in the line of
4 duty. 1. Real property owned by a widow or widower of a police officer
5 killed in the line of duty, and constituting the primary residence of
6 such widow or widower shall be deemed fully exempt from all taxes
7 imposed upon such property for city, village, town, part town, special
8 district or county purposes, provided that the governing body of a city,
9 village, town or county, after a public hearing, adopts a local law,
10 ordinance or resolution providing therefor.

11 2. As used in this section, the term "police officer" shall have the
12 same meaning as defined in section 1.20 of the criminal procedure law.

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

19 4. (a) For the purposes of this section, title to that portion of real
20 property owned by a cooperative apartment corporation in which a
21 tenant-stockholder of such corporation resides and which is represented
22 by his share or shares of stock in such corporation as determined by its
23 or their proportional relationship to the total outstanding stock of the
24 corporation, including that owned by the corporation, shall be deemed to
25 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 commission-
23 er of the division of criminal justice services a listing of documents
24 to be used to establish eligibility under this section. Such information
25 shall be made available to each city, village, town, part town, special
26 district and county assessor's office. The listing of acceptable records
27 shall be made available on the internet websites of the division of
28 criminal justice services and the office of real 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.