STATE OF NEW YORK

1639

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sens. TEDISCO, BORRELLO, HELMING, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the real property tax law, in relation to increasing the enhanced STAR property tax deduction and to providing a total exemption for school taxes for certain persons eighty years of age and older

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

Section 1. This act shall be known and may be cited as the "Two STAR Act".

§ 2. Clause (C) of subparagraph (i) of paragraph (b) of subdivision 4 of section 425 of the real property tax law, as amended by section 3 of part E of chapter 83 of the laws of 2002, is amended to read as follows:

(C) For final assessment rolls to be completed [~~in each ensuing year~~] **between two thousand four and two thousand twenty-four**, the applicable income tax year, cost-of-living-adjustment percentage and applicable increase percentage shall all be advanced by one year, and the income standard shall be the previously-applicable income standard increased by the new cost-of-living-adjustment percentage. If there should be a year for which there is no applicable increase percentage due to a general benefit increase as defined by subdivision three of subsection (i) of section four hundred fifteen of title forty-two of the United States code, the applicable increase percentage for purposes of this computation shall be deemed to be the percentage which would have yielded that general benefit increase.

§ 3. Clause (C-1) of subparagraph (i) of paragraph (b) of subdivision 4 of section 425 of the real property tax law is relettered clause (C-2) and a new clause (C-1) is added to read as follows:

(C-1) For final assessment rolls to be completed after two thousand twenty-four, the applicable income tax year, cost-of-living-adjustment

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

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percentage and applicable increase percentage shall all be advanced by one year, and the income standard shall be twice the previously-applicable income standard increased by the new cost-of-living-adjustment percentage. If there should be a year for which there is no applicable increase percentage due to a general benefit increase as defined by subdivision three of subsection (i) of section four hundred fifteen of title forty-two of the United States code, the applicable increase percentage for purposes of this computation shall be deemed to be the percentage which would have yielded that general benefit increase.

§ 4. Section 425 of the real property tax law is amended by adding a new subdivision 4-b to read as follows:

4-b. Senior citizens total exemption. For final assessment rolls to be completed after two thousand twenty-four, a total exemption for property owned by senior citizens shall be provided where the property owner satisfies the requirements of clause (C-1) of subparagraph (i) of paragraph (b) of subdivision four of this section and all of the owners are at least eighty years of age or older as of the date of the applicable final assessment roll, or in the case of property owned by husband and wife or by siblings, one of the owners must be at least eighty years of age as of that date and the property must serve as the primary residence of that owner.

(a) As used in this subdivision, the term "siblings" shall have the same meaning as set forth in section four hundred sixty-five of this article.

(b) An application for a total exemption pursuant to this subdivision shall be filed within the same time frames and in the same manner as an application for the enhanced STAR exemption pursuant to subdivision four of this section.

(c) Exemption from taxation for school purposes shall not be granted in the case of real property where a child resides if such child attends a public school of elementary or secondary education, unless the governing board of the school district in which the property is located, after public hearing, adopts a resolution providing for such exemption; provided that any such resolution shall condition such exemption upon satisfactory proof that the child was not brought into the residence in whole or in substantial part for the purpose of attending a particular school within the district. The procedure for such hearing and resolution must be conducted separately from the procedure for any hearing and local law, ordinance or resolution conducted pursuant to paragraph (a) of subdivision one of section four hundred sixty-five of this title.

§ 5. Paragraph (a) of subdivision 2 of section 425 of the real property tax law, as amended by section 1 of part E of chapter 83 of the laws of 2002, is amended to read as follows:

(a) Overview. There shall be [~~two~~] three variations of the exemption authorized by this section: (i) an exemption for property owned by persons who satisfy the criteria set forth in subdivision three of this section, which shall be known as the "basic" STAR exemption[~~, and~~]; (ii) an exemption for property owned by senior citizens who satisfy the criteria set forth in both subdivisions three and four of this section, which shall be known as the "enhanced" STAR exemption; and (iii) an exemption for property owned by senior citizens who satisfy the criteria set forth in subdivision four-b of this section. The exempt amount for each assessing unit shall be determined annually as set forth in this subdivision, by multiplying the "base figure" by the locally-applicable "sales price differential factor," if any, multiplying the product by the appropriate "equalization factor" for the assessing unit, and, if

necessary, increasing the result to equal the applicable "floor." The result is then rounded to the nearest multiple of ten dollars.

§ 6. This act shall take effect immediately and shall apply to assessment rolls completed on and after January 1, 2024.