

STATE OF NEW YORK

5037

2023-2024 Regular Sessions

IN SENATE

February 22, 2023

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the real property tax law, in relation to real property tax exemptions for property in cities having a population of one million or more and owned by certain veterans or their family members

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

1 Section 1. Paragraph 2 of subdivision 1 of section 458 of the real
2 property tax law, as amended by chapter 425 of the laws of 2014, is
3 amended to read as follows:

4 (2) Except as provided in subdivision five of this section, no such
5 exemption on account of eligible funds paid on account of military or
6 naval services rendered by an individual shall be allowed in excess of
7 seven thousand five hundred dollars; provided, however, in a city with a
8 population of one million or more, an exemption on account of eligible
9 funds paid on account of military or naval services rendered by an indi-
10 vidual shall equal forty percent of eligible funds, but in no case shall
11 such exemption be allowed in excess of two thousand dollars. For the
12 purposes of this subdivision any established exemption, or newly claimed
13 exemption, or an aggregate thereof, as the case may be, in excess of any
14 multiple of fifty dollars shall be regarded as being the nearest multi-
15 ple of fifty dollars and allowed in such amount. If the amount of such
16 exemption has no nearest multiple of fifty dollars, it shall be regarded
17 as being the next higher multiple of fifty dollars and allowed in such
18 amount. The mingling of such eligible funds with other funds or their
19 retention by the United States for insurance premiums shall not bar the
20 granting of a claim for such exemption.

21 § 2. Subdivision 2 of section 458 of the real property tax law, as
22 amended by section 82 of part PP of chapter 56 of the laws of 2022, is
23 amended to read as follows:

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

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1 2. Real property purchased with moneys collected by popular
2 subscription in partial recognition of extraordinary services rendered
3 by any veteran of world war one, world war two, or of the hostilities
4 which commenced June twenty-seventh, nineteen hundred fifty, who (a) was
5 honorably discharged from such service, or (b) has a qualifying condi-
6 tion, as defined in section one of the veterans' services law, and has
7 received a discharge other than bad conduct or dishonorable from such
8 service, or (c) is a discharged LGBT veteran, as defined in section one
9 of the veterans' services law, and has received a discharge other than
10 bad conduct or dishonorable from such service, and who sustained perma-
11 nent disability while on military duty, either total or partial, and
12 owned by the person who sustained such injuries, or by his or her spouse
13 or unremarried surviving spouse, or dependent father or mother, is
14 subject to taxation as herein provided. Such property shall be assessed
15 in the same manner as other real property in the tax district. At the
16 meeting of the assessors to hear complaints concerning the assessments,
17 a verified application for the exemption of such real property from
18 taxation may be presented to them by or on behalf of the owner thereof,
19 which application must show the facts on which the exemption is claimed,
20 including the amount of moneys so raised and used in or toward the
21 purchase of such property. No exemption on account of any such gift
22 shall be allowed in excess of five thousand dollars; provided, however,
23 in any city with a population of one million or more, no exemption on
24 account of any gift shall be allowed in excess of two thousand dollars.
25 The application for exemption shall be presented and action thereon
26 taken in the manner provided by subdivision one of this section. If no
27 application for exemption be granted, the property shall be subject to
28 taxation for all purposes. The provisions herein, relating to the
29 assessment and exemption of property purchased with moneys raised by
30 popular subscription, apply and shall be enforced in each municipal
31 corporation authorized to levy taxes.

32 § 3. Paragraph (a) of subdivision 1 of section 458-a of the real prop-
33 erty tax law, as amended by chapter 606 of the laws of 2021, is amended
34 to read as follows:

35 (a) "Period of war" means the Spanish-American war; the Mexican border
36 period; World War I; World War II; the hostilities, known as the Korean
37 war, which commenced June twenty-seventh, nineteen hundred fifty and
38 terminated on January thirty-first, nineteen hundred fifty-five; the
39 hostilities, known as the Vietnam war, which commenced November first,
40 nineteen hundred fifty-five and terminated on May seventh, nineteen
41 hundred seventy-five; ~~and~~ the hostilities, known as the Persian Gulf
42 conflict, which commenced August second, nineteen hundred ninety; in any
43 city with a population of one million or more, the hostilities, known as
44 the Iraq war, which commenced March, two thousand three; and in any city
45 with a population of one million or more, the hostilities, known as the
46 Afghanistan war, which commenced October seventh, two thousand one.

47 § 4. Subdivision 2 of section 458-a of the real property tax law, as
48 added by chapter 525 of the laws of 1984, paragraph (a) as amended by
49 chapter 899 of the laws of 1985, paragraph (b) as amended by chapter 473
50 of the laws of 2004, paragraph (c) as amended by chapter 100 of the laws
51 of 1988, subparagraph (i) of paragraph (d) as amended by chapter 332 of
52 the laws of 2016 and subparagraph (ii) of paragraph (d) as amended by
53 chapter 381 of the laws of 2015, is amended to read as follows:

54 2. (a) Qualifying residential real property shall be exempt from taxa-
55 tion to the extent of fifteen percent of the assessed value of such
56 property; provided, however, that such exemption shall not exceed twelve

1 thousand dollars or the product of twelve thousand dollars multiplied by
2 the latest state equalization rate for the assessing unit, or in the
3 case of a special assessing unit, the latest class ratio, whichever is
4 less; provided, however, in any city with a population of one million or
5 more, qualifying residential real property shall be exempt from taxation
6 to the extent of six percent of the assessed value of such property;
7 provided, further, that such exemption shall not exceed four thousand
8 eight hundred dollars or the product of four thousand eight hundred
9 dollars multiplied by the latest class ratio, whichever is less.

10 (b) In addition to the exemption provided by paragraph (a) of this
11 subdivision, where the veteran served in a combat theatre or combat zone
12 of operations, as documented by the award of a United States campaign
13 ribbon or service medal, or the armed forces expeditionary medal, navy
14 expeditionary medal, marine corps expeditionary medal, or global war on
15 terrorism expeditionary medal, qualifying residential real property also
16 shall be exempt from taxation to the extent of ten percent of the
17 assessed value of such property; provided, however, that such exemption
18 shall not exceed eight thousand dollars or the product of eight thousand
19 dollars multiplied by the latest state equalization rate for the assess-
20 ing unit, or in the case of a special assessing unit, the class ratio,
21 whichever is less; provided further, that, in any city with a population
22 of one million or more, where the veteran served in a combat theatre or
23 combat zone of operations, as documented by the award of a United States
24 campaign ribbon or service medal, or the armed forces expeditionary
25 medal, navy expeditionary medal, marine corps expeditionary medal, or
26 global war on terrorism expeditionary medal, qualifying residential real
27 property also shall be exempt from taxation to the extent of four
28 percent of the assessed value of such property; provided further, that
29 such exemption shall not exceed three thousand two hundred dollars or
30 the product of three thousand two hundred dollars multiplied by the
31 class ratio, whichever is less.

32 (c) In addition to the exemptions provided by paragraphs (a) and (b)
33 of this subdivision, where the veteran received a compensation rating
34 from the United States veteran's administration or from the United
35 States department of defense because of a service connected disability,
36 qualifying residential real property shall be exempt from taxation to
37 the extent of the product of the assessed value of such property multi-
38 plied by fifty percent of the veteran's disability rating; provided,
39 however, that such exemption shall not exceed forty thousand dollars or
40 the product of forty thousand dollars multiplied by the latest state
41 equalization rate for the assessing unit, or in the case of a special
42 assessing unit, the latest class ratio, whichever is less. For purposes
43 of this paragraph, where a person who served in the active military,
44 naval or air service during a period of war died in service of a service
45 connected disability, such person shall be deemed to have been assigned
46 a compensation rating of one hundred percent; provided, however, in any
47 city with a population of one million or more, in addition to the
48 exemptions provided by paragraphs (a) and (b) of this subdivision, where
49 the veteran received a compensation rating from the United States veter-
50 an's administration or from the United States department of defense
51 because of a service connected disability, qualifying residential real
52 property shall be exempt from taxation to the extent of the product of
53 the assessed value of such property multiplied by twenty percent of the
54 veteran's disability rating; provided further, that such exemption shall
55 not exceed sixteen thousand dollars or the product of sixteen thousand
56 dollars multiplied by the latest class ratio, whichever is less.

1 (d) Limitations. (i) The exemption from taxation provided by this
2 subdivision shall be applicable to county, city, town, village and
3 school district taxation if the governing body of the school district in
4 which the property is located, or in the case of a city with a popu-
5 lation of one million or more, the local legislative body, after public
6 hearings, adopts a resolution, or in the case of a city with a popu-
7 lation of one million or more, a local law, providing such exemption,
8 the procedure for such hearing and resolution or local law shall be
9 conducted separately from the procedure for any hearing and local law or
10 resolution conducted pursuant to subparagraph (ii) of this paragraph,
11 paragraph (b) of subdivision four, paragraph (d) of subdivision six and
12 paragraph (b) of subdivision seven of this section; provided, however,
13 that in any city with a population of one million or more, the exemption
14 from taxation provided by this subdivision shall be applicable to city
15 taxes and taxes levied for local school purposes.

16 (ii) Each county, city, town, village or school district may adopt a
17 local law to reduce the maximum exemption allowable in paragraphs (a),
18 (b) and (c) of this subdivision to nine thousand dollars, six thousand
19 dollars and thirty thousand dollars, respectively, or six thousand
20 dollars, four thousand dollars and twenty thousand dollars, respective-
21 ly. Each county, city, town, village or school district is also author-
22 ized to adopt a local law to increase the maximum exemption allowable in
23 paragraphs (a), (b) and (c) of this subdivision to fifteen thousand
24 dollars, ten thousand dollars and fifty thousand dollars, respectively;
25 eighteen thousand dollars, twelve thousand dollars and sixty thousand
26 dollars, respectively; twenty-one thousand dollars, fourteen thousand
27 dollars, and seventy thousand dollars, respectively; twenty-four thou-
28 sand dollars, sixteen thousand dollars, and eighty thousand dollars,
29 respectively; twenty-seven thousand dollars, eighteen thousand dollars,
30 and ninety thousand dollars, respectively; thirty thousand dollars,
31 twenty thousand dollars, and one hundred thousand dollars, respectively;
32 thirty-three thousand dollars, twenty-two thousand dollars, and one
33 hundred ten thousand dollars, respectively; thirty-six thousand dollars,
34 twenty-four thousand dollars, and one hundred twenty thousand dollars,
35 respectively; thirty-nine thousand dollars, twenty-six thousand dollars,
36 and one hundred thirty thousand dollars, respectively; forty-two thou-
37 sand dollars, twenty-eight thousand dollars, and one hundred forty thou-
38 sand dollars, respectively; and forty-five thousand dollars, thirty
39 thousand dollars and one hundred fifty thousand dollars, respectively.
40 In addition, a county, city, town, village or school district which is a
41 "high-appreciation municipality" as defined in this subparagraph is
42 authorized to adopt a local law to increase the maximum exemption allow-
43 able in paragraphs (a), (b) and (c) of this subdivision to thirty-nine
44 thousand dollars, twenty-six thousand dollars, and one hundred thirty
45 thousand dollars, respectively; forty-two thousand dollars, twenty-eight
46 thousand dollars, and one hundred forty thousand dollars, respectively;
47 forty-five thousand dollars, thirty thousand dollars and one hundred
48 fifty thousand dollars, respectively; forty-eight thousand dollars,
49 thirty-two thousand dollars and one hundred sixty thousand dollars,
50 respectively; fifty-one thousand dollars, thirty-four thousand dollars
51 and one hundred seventy thousand dollars, respectively; fifty-four thou-
52 sand dollars, thirty-six thousand dollars and one hundred eighty thou-
53 sand dollars, respectively; fifty-seven thousand dollars, thirty-eight
54 thousand dollars and one hundred ninety thousand dollars, respectively;
55 sixty thousand dollars, forty thousand dollars and two hundred thousand
56 dollars, respectively; sixty-three thousand dollars, forty-two thousand

1 dollars and two hundred ten thousand dollars, respectively; sixty-six
2 thousand dollars, forty-four thousand dollars and two hundred twenty
3 thousand dollars, respectively; sixty-nine thousand dollars, forty-six
4 thousand dollars and two hundred thirty thousand dollars, respectively;
5 seventy-two thousand dollars, forty-eight thousand dollars and two
6 hundred forty thousand dollars, respectively; seventy-five thousand
7 dollars, fifty thousand dollars and two hundred fifty thousand dollars,
8 respectively; provided, however, a high-appreciation municipality that
9 is a special assessing unit that is a city with a population of one
10 million or more, is authorized to adopt a local law to increase the
11 maximum exemption allowable in paragraphs (a), (b) and (c) of this
12 subdivision to fifteen thousand six hundred dollars, ten thousand four
13 hundred dollars, and fifty-two thousand dollars, respectively; sixteen
14 thousand eight hundred dollars, eleven thousand two hundred dollars, and
15 fifty-six thousand dollars, respectively; eighteen thousand dollars,
16 twelve thousand dollars, and sixty thousand dollars, respectively; nine-
17 teen thousand two hundred dollars, twelve thousand eight hundred
18 dollars, and sixty-four thousand dollars, respectively; twenty thousand
19 four hundred dollars, thirteen thousand six hundred dollars, and sixty-
20 eight thousand dollars, respectively; twenty-one thousand six hundred
21 dollars, fourteen thousand four hundred dollars, and seventy-two thou-
22 sand dollars, respectively. For purposes of this subparagraph, a "high-
23 appreciation municipality" means: (A) a special assessing unit that is a
24 city, (B) a county for which the commissioner has established a sales
25 price differential factor for purposes of the STAR exemption authorized
26 by section four hundred twenty-five of this title in three consecutive
27 years, and (C) a city, town, village or school district which is wholly
28 or partly located within such a county.

29 § 5. An exemption granted pursuant to section 458 or 458-a of the real
30 property tax law that precedes the effective date of this act shall be
31 calculated on subsequent assessment rolls as if the original exemption
32 had been granted pursuant to the provisions of such section, as amended
33 by this act.

34 § 6. This act shall take effect immediately and apply to assessment
35 rolls based upon the taxable status date occurring on or after the fifth
36 day of January next succeeding the date on which it shall have become a
37 law; provided, however, that the amendments to subdivision 2 of section
38 458 of the real property tax law made by section two of this act shall
39 take effect on the same date and in the same manner as section 2 of part
40 PP of chapter 56 of the laws of 2022, takes effect.