

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1992**

No. 95

By the Speaker (Council Member Vallone) and Council Members Spigner, Harrison, Horwitz, Ward, Malave-Dilan, Eisland, Fisher, McCaffrey, O'Donovan, Pagan, Pinkett, Williams, Cerullo III, Fusco, Castaneira-Colon and Freed (jointly with the Mayor); also Council Members Albanese, Alter, DeMarco, Fields, Foster, Koslowitz, Leffler, Marshall, Michels, Robles, Abel, Ognibene, Linares, McCabe, Berman, Cruz, Dear, Povman, Rivera, Ruiz, Warden, Watkins, Weiner, White, DiBrienza and Wooten.

**A LOCAL LAW**

**To amend the Administrative Code of the City of New York in relation to increasing the graduated income eligibility level and modifying certain other eligibility requirements for the granting of partial exemptions from real property taxation to certain persons sixty-five years of age or over.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 1 of section 11-245.3 of the administrative code of the city of New York, as added by local law number 8 for the year 1992, is amended to read as follows:

1. Real property owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by husband and wife *or by siblings*, one of whom is sixty-five years of age or over, shall be exempt from taxes on real estate to the extent of fifty per centum of the assessed valuation thereof. *For the purposes of this section, sibling shall mean a brother or a sister, whether related through halfblood, who blood or adoption.*

§ 2. Paragraph (a) of subdivision 3 of section 11-245.3 of the administrative code of the city of New York, as added by local law number 8 for the year 1992, is amended to read as follows:

(a) if the income of the owner or the combined income of the owners of the property exceeds the sum of [fifteen] *sixteen* thousand *five hundred* dollars for the income tax year[s] immediately preceding the date of making application for exemption. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, *except where the husband or wife, or ex-husband or ex-wife is absent from the property as provided in subparagraph (ii) of paragraph (d) of this subdivision, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.* Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include gifts, inheritances, or a return of capital. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

§ 3. Paragraph (d) of subdivision 3 of section 11-245.3 of the administrative code of the city of New York, as added by local law number 8 for the year 1992, is amended to read as follows:

(d) unless the property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property; except where, (i) an owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section twenty-eight hundred one of the public health law, provided that any income accruing to that person shall be income only to the extent that it exceeds the amount paid by such owner, spouse, or co-owner for care in the facility, and provided further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; or (ii) the real property is owned by a husband and/or wife, or an ex-husband and/or an ex-wife, and either is absent from the residence [ , and an exemption was previously granted when both resided in the residence, provided the person remaining on the real property is sixty-two years of age or over] *due to divorce, legal separation or abandonment and all other provisions of this section are met provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be sixty-two years of age or over.*

§ 4. Subdivision 4 of section 11.245.3 of the administrative code of the city of New York, as added by local law number 8 for the year 1992, is amended to read as follows:

4. Application for such exemption must be made by the owner, or all of the owners of the property, on forms prescribed by the state board to be furnished by the [tax commission] *department of finance* and shall furnish the information and must be executed in the manner required or prescribed in such form and shall be filed in the department of finance in the borough in which the real property is located between the fifteenth day of January and the fifteenth day of March. *Notwithstanding any other provision of law, any person otherwise qualifying under this section shall not be denied the exemption under this section if he or she becomes sixty-five years of age after the taxable status date and on or before December thirty-first of the same year.*

§ 5. Subdivision 7 of section 11-245.3 of the administrative code of the city of New York, as added by local law number 8 for the year 1992, is amended to read as follows:

7. Notwithstanding the maximum income exemption eligibility level provided in subdivision three of this section, an exemption, subject to all other provisions of this section, shall be granted as indicated in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
More than [\$15,000] \$16,500 but less than [\$15,600]	\$17,100 45 per centum
[\$15,600] \$17,100 or more but less than [16,200]	\$17,700 40 per centum
[\$16,200] \$17,700 or more but less than [\$16,800]	\$18,300 35 per centum
[\$16,800] \$18,300 or more but less than [\$17,400]	\$18,900 30 per centum
[\$17,400] \$18,900 or more but less than [\$18,000]	\$19,500 25 per centum
[\$18,000] \$19,500 or more but less than [\$18,600]	\$20,100 20 per centum
[\$18,600] \$20,100 or more but less than [\$19,200]	\$20,700 15 per centum
[\$19,200] \$20,700 or more but less than [\$19,800]	\$21,300 10 per centum

§ 6. This local law shall take effect immediately, and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1993.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, S.S.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 19, 1992, and approved by the Mayor on December 21, 1992.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 95 of 1992, Council Int. No. 514-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on December 3, 1992: 47 for, 0 against.

Was approved by the Mayor on December 21, 1992.

Was returned to the City Clerk on December 22, 1992.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel