

BASIC STAR Q & A

At the direction of the State of New York, all assessors' offices must by law review the Basic STAR status based on the new income requirement adopted in the Law (RPTL-425) for the Tax billing cycle of 2011/12.

Basic STAR is no longer available to those home owners whom make in excess of \$500,000. Calculated by Adjusted Gross Income less any IRA withdrawals.

The State of New York provided lists of persons whom they determined are ineligible or are unable to determine eligibility. The local Assessors offices have been corresponding with those taxpayers to establish/confirm eligibility. The Town of Mt Pleasant has sent two letters to these taxpayers.

Those taxpayers whom did not respond or whom are ineligible **have been removed** from the STAR program, per State law, for the School Tax bill you will receive this August/September (School 2011/12).

If you had for some reason, not responded a correction can be made reestablishing the Basic STAR for your property. Please contact our office as soon as possible to do so. The later the correction is made the more complicated and protracted it becomes.

Form RP 425 BV is available on line at www.orps.state.ny.us, and was sent with our letters.

Please also see the attached letter from the State detailing the process for the reestablishment of a Basic STAR, after the bills are printed.

You can check the status of your STAR exemption on the online version of the Town assessment roll, available on the Town Assessors' department web page.

There is a copy of the State Frequently asked questions pamphlet on this page as well. It is also available on the ORPS website.

Memorandum



STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES

May 31, 2011

TO: Assessors

Cc: Supervisors, Mayors & County Property Tax Directors

FROM: Pat Holland, Manager of Equalization and Central Services

SUBJECT: Granting Basic STAR After School Tax Bills

We're writing to advise you that you're authorized to restore Basic STAR exemptions after school taxes are levied if property owners present information confirming they are income-qualified. This would most likely apply where the property was "Undetermined" and the owner did not previously respond to your information requests.

To ensure that property owners who are income-qualified do not lose Basic STAR, we are keeping the income verification process open for the time being. As a result, you're authorized to accept income documentation from property owners even after school tax bills are issued. If you receive acceptable documentation – either a completed Form RP-425-BV or a 2009 Federal of State income tax return – and you find that the property owner meets the eligibility criteria, the exemption may be restored via the Correction of Errors (COE) procedures.

As you know, the denial of an exemption normally cannot be reversed through COE because the Real Property Tax Law does not permit it. However, the administration of the Basic STAR income limit is governed by a different law (Tax Law §171-u), which takes precedence over the RPTL as far as the Basic STAR income limit is concerned.

Accordingly, if a property owner brings you income documentation, and you find that you would have granted the Basic STAR exemption to the property owner if he or she had given you this documentation before the tentative roll had been filed, we recommend that you proceed as follows:

- If the school taxes have been levied but taxes have not yet been paid, give the property owner Form RP-554 (Application for Corrected Tax Roll) to submit to the County Director, along with a written statement confirming that you have verified that the property owner meets the eligibility requirements for the Basic STAR exemption for the 2011-12 school year. Upon receiving that information, the County Director may recommend to the tax levying body (or designated official, if applicable) that the school tax bill should be reduced on the basis of Tax Law § 171-u.
- If the school taxes have been paid, give the property owner Form RP-556 (Application for Refund and Credit of Taxes) to submit to the County Director, along with a written

statement confirming that you have verified that the property owner meets the eligibility requirements for the Basic STAR exemption for the 2011-12 school year. Upon receiving that information, the County Director may recommend to the tax levying body (or designated official, if applicable) that a school tax refund or credit should be provided to the property owner on the basis of Tax Law § 171-u.

We hope this information is helpful to you and your property owners. We appreciate all you have done to help make this program work effectively.

lation caps STAR savings increases at 2% of the prior year's savings.

The details of the STAR exemption formula are available from www.orps.state.ny.us/star.

How will I know how much STAR is saving me in tax dollars?

As part of the STAR program, you will receive a school property tax bill or other notice that will clearly state the amount of the STAR exemption and your tax savings.

Does STAR apply to all taxes on my property?

No. The STAR exemption applies only to school district taxes. It does not apply to property taxes for other purposes, such as county, town or city (except in Buffalo, New York City, Rochester, Syracuse and Yonkers, where schools are funded through city property taxes).

Is STAR available on my vacation residence?

STAR will reduce school property taxes on your primary residence only. There is no one single factor that determines whether a property is your primary residence, but factors such as voting, vehicle registrations, and length of time spent each year on the property may be relevant. Your local assessor may ask you to provide proof of residency with the application. In addition, the assessor may occasionally request proof of residence after the exemption has been granted, to verify that the property remains your primary residence.

How does STAR work for cooperative apartments and manufactured homes in manufactured home parks?

If you live in either of these types of properties, file a STAR application with their local assessor. Assessors must provide a breakdown of the exemptions to the cooperative manager or park owner so that proper amounts may be credited to the STAR recipients.

What if I buy a new home?

Your STAR tax exemption is not transferred automatically. You need to apply for the exemption on your new primary residence by the deadline.

What if part of my property is used for other than residential purposes?

In the case of a mixed-use property where the property is used partially as the owner's primary residence and partially for some other use, the portion of the property used as a residence would be eligible for STAR. It is the responsibility of your local assessor(s) to make this determination.

I currently receive the low-income senior citizen exemption. Can I receive the STAR benefits and still keep my other exemption?

Yes. To ensure the maximum STAR benefit, the program requires that, before applying STAR, assessors first apply all other applicable exemptions to the property's assessed value. In addition, low-income senior citizens who receive the Senior Citizens Exemption automatically qualify for Enhanced STAR. As a result, they need only to file and qualify for the Senior Citizen Exemption, and they will receive both that exemption and Enhanced STAR. The initial application form RP-467 (which is also available in large print) can be downloaded at: www.orps.state.ny.us (click on "Forms and Publications").

How is STAR administered where property is in a trust?

The ownership of property is split when it is placed in trust: the trustee is the legal owner; the beneficiary is the beneficial owner. However, for STAR purposes, the trust beneficiary is treated as the owner. Thus, if senior citizens create a trust and convey their home to their children as trustees, and the seniors remain in the home as the beneficiaries of the trust, then, for STAR purposes, the owners of the home are the seniors, not their children. Therefore, the seniors would be able to get the STAR benefits.

How is STAR administered where property is in a life estate?

The life tenant is deemed to own the property; so STAR eligibility is based on the life tenant's qualifications. A life estate generally is created by a deed. Often ownership is transferred to another party with life estate use reserved for the prior owner(s) or another party. In other cases, a life estate is expressly granted by one party to another. In either case, in the eyes of the law, as long as the holder of the life estate is alive, he or she "owns" the property.

STAR

New York State's

School Tax Relief Program

(updated for the 2011-2012 school year)

STATE OF NEW YORK



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Office of Real Property Tax Services

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NYS Department of Taxation and Finance
OFFICE OF REAL PROPERTY TAX SERVICES

www.orps.state.ny.us

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What is STAR?

The New York State School Tax Relief Program (STAR) provides New York homeowners with partial exemptions from school property taxes. If you earn less than \$500,000 and own and live in your home, you are probably eligible for the STAR exemption.

There are two parts to the STAR exemption:

- **Basic STAR** is available for owner-occupied, primary residences where the owners' total income is less than \$500,000. Basic STAR works by exempting the first \$30,000 of the full value of a home from school taxes.
- **Enhanced STAR** provides an increased benefit for the primary residences of senior citizens (age 65 and older) with qualifying incomes. For qualifying seniors, Enhanced STAR exempts the first \$60,100 of the full value of their home from school taxes.

How do I apply for Basic STAR?

File an application with your local assessor. STAR applications are available from your assessor's office or on the internet at: www.orps.state.ny.us (large print forms are also available). New York City residents should call the New York City Department of Finance (www.nyc.gov/html/dof) at 311 or (212) 504-4080.

How do I apply for Enhanced STAR?

File an application with your assessor. For the 2011-2012 school year, senior citizens applying for the Enhanced STAR exemption must demonstrate that the combined income of all of the owners of the property - and of any owner's spouse who resides on the premises - was no greater than \$79,050 in 2009. You may do this in one of two ways:

Option 1: Traditional method

Prior to the deadline, provide your assessor with your STAR application and a copy of your income tax return(s) for the appropriate income tax year (see income definition that follows).

Option 2: STAR Income Verification Program

Provide the assessor with form RP-425-IVP (also available in large print), which includes your Social Security Number(s) and authorizes the New York State Department of Taxation and Finance to verify your income eligibility each year. If you choose this option, you do not need to submit an application and copy of your tax return(s) to the assessor every year. In the initial year, prior to the deadline, you must submit the form to the assessor along with a traditional STAR application and the necessary income tax return(s).

What is the deadline for submitting the STAR application?

STAR applications must either be received in the assessor's office or be postmarked by taxable status date. While taxable status date is March 1 in most municipalities, it varies for some cities and in some counties. When taxable status date falls on a Saturday, Sunday or public holiday, the deadline for filing exemption applications is extended until the next business day.

To find the taxable status date (and other assessment calendar dates), assessor telephone numbers, and additional information for your municipality, visit www.orps.state.ny.us/munipro. When checking the deadline for filing STAR and other exemption applications, it is important that you check the taxable status date for the assessing unit in which you are filing the application. While the dates online are correct based on the best available information, we encourage you to confirm the taxable status date for your municipality with your assessor.

What types of properties are eligible for STAR?

Both Basic and Enhanced STAR are available for owner-occupied residential properties, including: houses, condominiums, cooperative apartments, manufactured homes, and farm houses. STAR is also available for mixed use properties, including apartment buildings, but only applies to the owner-occupied portion of such properties.

How is income defined for STAR purposes?

For both Basic and Enhanced STAR, income information from the 2009 tax year is used to determine eligibility in 2011. In both cases, income is defined as federal "adjusted gross income" [AGI] as reported on the applicants' federal or State income tax return, less the "taxable amount" of total distributions from individual retirement accounts or individual retirement annuities (both of which are commonly known as "IRAs"). In future years, the income limit for Enhanced STAR will increase, based on an annual cost of living adjustment.

- **Basic STAR** - Beginning with the 2011-2012 school year, the income limit for Basic STAR is \$500,000. Eligibility is based on the combined incomes of: a) owners who reside at the property, and b) any owner's spouse who resides at the property. Wherever possible, the New York State Tax Department determines whether STAR recipients are income-qualified. If you are not qualified, or if you are required to provide income information, you will be notified in writing by your assessor.
- **Enhanced STAR** - For Enhanced STAR, the income limit for 2011 is \$79,050. Eligibility is based on the combined incomes of: a) all owners, and b) any owner's spouse who resides at the property. As noted above, the Enhanced STAR Income Verification Program offers senior citizens the option to have the Tax Department verify whether they are income-qualified each year.

For Enhanced STAR, how is age defined?

To receive Enhanced STAR, you must be at least 65 years old. For property owned by a husband and wife - or by siblings - only one of them has to be at least 65 years old as of December 31 of the year in which the exemption will begin.

Can the Enhanced exemption be granted to nursing home residents who own their homes? Yes, provided that no one other than the co-owner(s) or spouse resides on the premises.

Can a surviving spouse who is not 65 years old continue to receive the Enhanced exemption? A surviving spouse can retain an existing Enhanced STAR exemption provided that she or he is at least 62 years old as of December 31 of the year in which the exemption will continue. Otherwise, the individual may receive the Basic STAR exemption.

How will I know my STAR application has been approved?

Assessors are required to notify applicants if their STAR application has been denied. If you mail your application to the assessor, you may send it registered mail/return receipt requested. Alternatively, you may include a note requesting a receipt and a stamped, self-addressed envelope. If you hand-deliver it, you may request a receipt. In either case, retain a copy of your application for your records. When the tentative assessment roll is made available to the public, it is good practice to confirm that you will be receiving the appropriate STAR exemption.

Why does the amount of my STAR exemption change from one year to the next?

The formula for calculating STAR exemptions is set forth in the law and can be confusing. STAR exemptions originally were equivalent to \$30,000 for Basic and \$50,000 for Enhanced in terms of the full market value of a home. The exempt amounts for some downstate counties were adjusted upwards to account for higher home values and higher taxes in those areas.

After more than a decade, the amounts of the exemptions vary due to several factors, including whether the municipality has reassessed its property, the level of assessment of the individual municipality, and other factors. In addition, the Enhanced STAR exemption is adjusted annually based on the rate of inflation.

In addition to changes in the amount of the exemptions, the amount of savings resulting from STAR may vary depending on the amount of taxes being collected by the school district. Also potentially impacting your STAR savings, beginning with school taxes for the 2011-12 school year, new legis-