



Instructions for Form RP-425-SB

Application for State Board Review of Tax Department Determination of STAR Exemption Ineligibility

General information

This application should be used by property owners who have received a notification from the New York State Department of Taxation and Finance (the *Tax Department*) that a review of the initial determination of STAR Exemption ineligibility has been upheld. If you believe that the Tax Department's review of the determination is incorrect, use this application to apply for review by the State Board of Real Property Tax Services (the *State Board*). This application must be received by the Tax Department within **45 days** of the date of **mailing** of the Tax Department's review of the initial determination of ineligibility. If you have any questions, call 518-457-2036.

Part A – Basic information

Provide the following:

- Property key included on the letter you received.
- Location of the property that is the subject of the STAR exemption denial.
- Name of each homeowner as it appears on the deed. Add an additional sheet if necessary.
 - If the title to the property is in a trust, the trust beneficiaries are deemed to be the owners for STAR purposes.
 - If the title to the property is in a limited partnership, the limited partners residing on the premises are deemed to be the owners for STAR purposes.
 - If the property is a farm dwelling and title is held in a corporation or partnership, the shareholders or partners of the corporation or partnership who reside on the premises are deemed to be the owners for STAR purposes.

Part B – Basis for review

Use Part B to explain why the property identified in Part A should continue to receive the STAR exemption. See information regarding STAR eligibility criteria below.

Multiple STAR benefits

You may only receive a STAR benefit (STAR exemption or STAR credit) on your primary residence and you may only have one primary residence. You cannot receive both the STAR exemption and the STAR credit. If you have been receiving a STAR benefit on more than one property, or if you have registered with the Tax Department for a STAR benefit on more than one property, your STAR benefit may be removed on one or both of your properties. If you were denied for this reason, you must confirm which property is your primary residence, and you may be asked to provide additional documentation to the State Board.

Residency

To be eligible for a STAR exemption, you must own the property and it must be your primary residence. Your *primary residence* is the permanent address where you actually live and intend to live indefinitely. You may only have one primary residence at a time. A married couple may only receive one STAR exemption, even if living apart, unless the couple is legally separated.

If you have received a notice of ineligibility based on failure to meet the residency requirement and you believe that the

property serves as your primary residence, you may submit evidence that the property is your primary residence. There is no single factor or definition that determines primary residency. The most important factor is the length of time you reside on the property. To provide evidence of your primary residence, include copies of two or more of the following:

- driver's license
- non-driver identification
- passport
- military identification
- vehicle registration
- voter registration document
- Social Security statement
- New York State or federal income tax return
- other government-issued document

If you own property in another state that is receiving a residency-based property tax exemption (such as the homestead exemption in Florida, the homestead benefit in New Jersey, or the circuit breaker tax credit in Massachusetts), you are not eligible for a STAR benefit because you have declared residency in the other state.

Age

There is no age requirement for the Basic STAR exemption. For the Enhanced STAR exemption, all of the owners must be 65 years of age or older by December 31 of the year of the exemption. There is an exception where the property is jointly owned by siblings or spouses; only one spouse or sibling must meet the age requirement. In addition, a surviving spouse may retain the Enhanced STAR exemption if he or she is at least 62 years of age as of December 31 of the year of the exemption.

Income

For purposes of the STAR exemption, *income* is defined as federal adjusted gross income minus the taxable amount of total distributions from IRAs (individual retirement accounts and individual retirement annuities) from two tax years prior to the year of the exemption. (For example, in 2017, income was based on the 2015 tax year.)

To be eligible for the Basic STAR exemption, the combined incomes of the owners and owners' spouses who reside at the property cannot exceed the Basic STAR exemption income limit.

To be eligible for the Enhanced STAR exemption, the combined income of all owners and any owner's spouse who resides at the property must not exceed the Enhanced STAR income limit.

For additional income eligibility information, visit our website at www.tax.ny.gov (search: STAR).

Other

If you were denied the STAR exemption for a reason other than those described above, explain why you are eligible and provide appropriate documentation. The denial letter that you received may provide recommendations for appropriate documentation to submit. Attach such documentation to Form RP-425-SB and submit it to the address below.

Part C – Certification

All owners and spouses must sign and date the certification section for the application to be complete.

Contact information should be provided for the person to be contacted with regard to this application. The mailing address is necessary only if different from the property address.

Filing

The application must be filed with the Tax Department at the following address:

**NYS TAX DEPARTMENT
ATTN: STAR PROTEST UNIT
WA HARRIMAN CAMPUS
ALBANY NY 12227-0801**

The application and any supporting documentation must be filed with the Tax Department within **45 days** of the date that the department **mailed** a notice of ineligibility for STAR exemption. The State Board will review your application and may contact you with questions or request additional documentation to substantiate your claims.

At the conclusion of the State Board's review, you will receive a copy of the State Board's final determination regarding your application. The State Board's decision is final for the year of the exemption under review.
