

LOCAL LAW NO. "A" FOR 2010

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROVIDING TAX EXEMPTIONS FOR COLD WAR VETERANS

Introduced: 2/8/10

By Messrs. Commisso, Morse, Ward, Aylward, Beston, Bullock, Ms. Chapman, Messrs. Clay, Clenahan, Ms. Connolly, Messrs. Cotrofeld, Dawson, Domalewicz, Ethier, Gordon, Higgins, Horstmyer, Houghtaling, Infante, Joyce, Ms. Maffia-Tobler, Mr. Mayo, Ms. McKnight, Messrs. Nichols, Rahm, Reilly, Scavo, Steck, Timmins, Mss. Willingham, Benedict, Messrs. Carman, Clouse, Hoblock, Ms. Lockart, Messrs. Tunny and Zeilman:

BE IT ENACTED by the County Legislature of the County of Albany as follows:

Section 1. Legislative intent and purpose.

A. This Legislature finds and determines that the sacrifices and services provided by veterans in protecting this Country should be acknowledged by providing certain tax exemptions.

B. By Chapter 655 of the Laws of New York for 2007, as amended by Chapter 6 of the Laws of New York for 2008 and Chapter 235 of the Laws of New York for 2009, the New York State Legislature amended Section 458-b of the Real Property Tax Law authorizing the adoption of a local law to provide tax exemptions for Cold War veterans.

C. The purpose of this local law is to adopt tax exemptions for Cold War veterans as authorized by Chapter 655 of the Laws of New York for 2007, as amended by Chapter 6 of the Laws of New York for 2008 and as amended by Chapter 235 of the Laws of New York for 2009.

Section 2. Definitions.

As used in this local law:

1. "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, was discharged or released therefrom under honorable conditions.

2. "Armed forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

3. "Active duty" means full-time duty in the United States armed forces, other than active duty for training.

4. "Service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

5. "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

6. "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

7. "Latest state equalization rate" means the latest final state equalization rate or special equalization rate established by the state board. The state board will establish a special equalization rate if it finds that there has been a material change in the level of assessment since the establishment of the latest state equalization rate, but in no event will such special equalization rate exceed one hundred. In the event that the state equalization rate exceeds one hundred, then the state equalization rate shall be one hundred for the purposes of this local law. Where a special equalization rate is established for purposes of this local law, the assessor is directed and authorized to recompute the Cold War veterans exemption on the assessment roll by applying such special equalization rate instead of the latest state equalization rate applied in the previous year and to make the appropriate corrections on the assessment roll, notwithstanding the fact that such assessor may receive the special equalization rate after the completion, verification and filing of such final assessment roll. In the event that the assessor does not have custody of the roll when such recomputation is accomplished, the assessor shall certify such recomputation to the local officers having custody and control of such roll, and such local officers are hereby directed and authorized to enter the recomputed Cold War veterans exemption certified by the assessor on such roll.

8. "Latest class ratio" means the latest final class ratio established by the New York State Board of Real Property Tax Services pursuant to title one of article twelve of the New York State Real Property Tax Law for use in a special assessing

unit as defined in section eighteen hundred one of the New York State Real Property Tax Law.

Section 3. Amount of Exemption; Limitations.

1. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided however, that such exemption shall not exceed thirty-six thousand dollars (\$36,000) or the product of thirty-six thousand dollars (\$36,000) multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

2. In addition to the exemption provided by subdivision 1 of this section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold war veteran disability rating; provided, however, that such exemption shall not exceed one hundred twenty thousand dollars (\$120,000) or the product of one hundred twenty thousand dollars (\$120,000) multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

3. If a Cold War veteran receives either a veterans' exemption authorized by Section 458 of the Real Property Tax Law, or an alternative veterans' exemption authorized by Section 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive an exemption under this local law.

Section 4. Duration of Exemption.

The exemption provided by this local law shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this section. Where a qualified owner owns qualifying residential real property on the effective date of this local law, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this local law, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law. Where a qualified owner does not own qualifying residential real property on the effective date of this local law, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable

status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this section for the unexpired portion of the ten year exemption period.

Section 5. Application for Exemption.

Application for the exemption set forth in this local law shall be made by the qualified owner, or all of the qualified owners, of the property on a form prescribed by the New York State Board of Real Property Tax Services. The owner or owners shall file the completed form in their local assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increase or decrease amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the New York State Penal Law.

Section 6. Property held in Trust

Notwithstanding any other provision of law to the contrary, the provisions of this local law shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this section, were such person or persons the owner or owners of such real property.

Section 7. Cooperative Apartment Corporations

(a) For the purposes of this section, title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(b) Provided that all other eligibility criteria of this section are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to

exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of taxes otherwise payable by or chargeable to such tenant-stockholder.

(c) Notwithstanding paragraph (b) of this subdivision, a tenant-stockholder who resides in a dwelling that is subject to the provisions of either article two, four, five or eleven of the private housing finance law shall not be eligible for an exemption pursuant to this section.

Section 8. Effective Date.

This local law shall take effect immediately and shall apply to assessment rolls based on taxable status dates occurring on or after such date.

Referred to Audit and Finance Committee. 2/8/10

Favorable Recommendation - Audit and Finance Committee. 3/2/10

On roll call vote the following voted in favor: Mr. Aylward, Ms. Benedict, Mr. Bullock, Ms. Chapman, Messrs. Clay, Clenahan, Clouse, Commisso, Ms. Connolly, Messrs. Cotrofeld, Dawson, Domalewicz, Ethier, Gordon, Higgins, Hoblock, Horstmyer, Infante, Joyce, Mss. Lockart, Maffia-Tobler, Mr. Mayo, Ms. McKnight, Messrs. Morse, Nichols, Rahm, Reilly, Scavo, Steck, Timmins, Tunny, Ward, Ms. Willingham and Mr. Zeilman - 34.

Those opposed: - 0.

Abstained: Messrs. McCoy and Mendick - 2.

Local Law was adopted. 3/8/10