

**LOCAL LAW NO. F FOR 2024**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 270 OF THE ALBANY COUNTY CODE TO PROVIDE A REAL PROPERTY TAX EXEMPTION FOR LIVING QUARTERS FOR PARENT OR GRANDPARENT**

Introduced: 4/8/24

By Cunningham, Willingham, McLaughlin, Feeney, Reidy and Laurilliard:

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

**SECTION I. Article Creation.**

Chapter 270, Article XX, **Auxiliary Dwelling Unit Exemption**, is hereby created

**SECTION II. § 270-166 Legislative Intent and Purpose.**

a. The Albany County Legislature recognizes the role of the family in the care of the aging and the contribution to family life that can be made by encouraging the aging to share their decades of wisdom and experience with the youth of their families.

b. The Legislature finds and determines that it is desirable for parents and grandparents to age in place and remain in the care of their family.

c. The Legislature further finds and determines that it is the best social and economic interest of the County of Albany to encourage the care of the aging be provided within the family, where appropriate.

d. The Legislature further finds and determines that real property tax exemptions are an appropriate way to assist with the financial burden of caring for a parent or grandparent in the comfort of one's own home.

e. The purpose of this Local Law is to legislatively adopt the real property tax exemption provided for the living quarters of a parent or grandparent in accordance with Section 469 of the Real Property Tax Law to read as follows:

**SECTION III. § 270-167 Definitions.**

For the purposes of this Local Law, the term "parent or grandparent" shall be deemed to include the birth or adoptive grandparents and parents of the owner or the spouse of the owner.

**SECTION IV. § 270-168 Real Property Tax Exemption.**

The County of Albany does hereby provide for an exemption from taxation to the extent of any increase in assessed value of residential property resulting from the construction or reconstruction of such property for the purpose of providing living quarters for a parent or grandparent, who is sixty-two years of age or older.

**SECTION V. § 270-169 Computation of Exemption.**

Such exemption shall not exceed (a) the increase in assessed value resulting from construction or reconstruction of such property, or (b) twenty percent of the total assessed value of such property as improved, or (c) twenty percent of the median sale price of residential property as reported in the most recent sales statistical summary published by the New York State Commissioner of Taxation and Finance for the county in which the property is located, whichever is less.

Such exemption shall be applicable only to construction or reconstruction which occurred subsequent to January 1, 2023 and shall only apply during taxable years during which at least one such parent or grandparent maintains a primary place of residence in such living quarters.

**SECTION VI. § 270-170 Conditions on Exemption.**

No such exemption shall be granted unless:

- (1) The property is within the geographical area in which such construction or reconstruction is permitted; and
- (2) The residential property so constructed or reconstructed is the principal place of residence of the owner; and
- (3) The construction or reconstruction was certified as complete through the issuance of a certificate of occupancy or a certificate of completion by the municipal building department with responsibility for town or city in which the construction or reconstruction has occurred; and
- (4) The certificate of occupancy or certificate of completion was issued on or after January 1, 2023.

**SECTION VII. § 270-171 Application for Exemption.**

Such exemption from taxation shall be granted upon an application made annually, upon a form promulgated by the New York State Commissioner of Taxation and Finance, by the owner of such property to the assessor of the city, town, or village having the power to assess property for taxation on or before the appropriate taxable status date of such city, town or village. If the assessor is satisfied that the property is entitled to an exemption pursuant to real property tax law section 469, they shall approve the application and such residential improvements shall be exempt from taxation and special ad valorem levies as provided by this Local Law.

Any conviction of having made any willful false statement in the application for such exemption shall result in the revocation thereof, be punishable by a civil penalty of not more than one hundred dollars and shall disqualify the applicant or applicants from further exemption for a period of five years.

**SECTION VIII. § 270-172 Effective Date.**

This Local Law shall take effect on January 1, 2025 and shall apply to taxable status dates occurring on or after such date.

*Referred to Elder Care, Law and Audit and Finance Committees – 4/8/24*

