

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Smithville

Local Law No. 1 of the year 2020

A local law Adopting a Cold War Veterans Tax Exemption
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Smithville

as follows:

SECTION 1. PURPOSE

The purpose of this local law is to grant Cold War veterans who meet the requirements set forth in Sec. 458-b of the New York Real Property Tax Law with a real property tax exemption.

SECTION 2. DEFINITIONS

As used in this local law, the following terms shall have the meanings indicated:

ACTIVE DUTY-Full time duty in the United States Armed Forces, other than active duty for training.

ARMED FORCES- The United States Army, Navy, Marine Corps, Air Force and Coast Guard.

LATEST CLASS RATIO- The latest final class ratio established by the New York State Board of Real Property Tax Services pursuant to Title 1 of Article 12 of the New York State Real Property Tax Law for use in a special assessing unit as defined in sec. 1801 of the New York State Real Property Tax Law.

LATEST STATE EQUALIZATION RATE- The latest equalization rate established or special equalization rate, as set forth in sec. 458-b, Subdivision 1(g) of the New York State Real Property Tax Law.

QUALIFIED OWNER- A Cold War veteran, the spouse of a Cold War Veteran, or the unremarried 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.

(see attached for continuation)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

QUALIFIED RESIDENTIAL REAL PROPERTY-The 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 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 subject to such time limitations, if any, as are set forth in sec. 458-b subdivision 1(f) of the New York State Real Property Tax Law.

SERVICE-CONNECTED- 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.

Section 3 AMOUNT OF EXEMPTION; LIMITATIONS

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided however that such exemption shall not exceed \$12,000.00 or the product of \$12,000.00 multiplied by the latest state equalization rate of the assessing unit, the latest class ratio, whichever is less.
- B. In addition to the exemption provided in Subsection A above, 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-related disability, qualifying residential real property shall be exempt from taxation to the the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veterans disability rating; provided however, that such exemption shall not exceed \$40,000.00 or the product of \$40,000.00 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.
- C. If a Cold War veteran receives either a veterans exemption under sec. 458 of the Real Property Tax Law or an alternative veterans exemption under sec 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive an exemption under this article.

Section 4 DURATION OF EXEMPTION

The exemption provided by this Article shall apply and be granted to a qualifying owner of qualifying real property for as long as they remain qualifying owners, as defined above in Section 2.

Section 5 APPLICATION FOR EXEMPTION

Application for exemption shall be made by the qualified owner, or all of the qualified owners of the property on a form prescribed by the State Board. 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 owner or owners of the property shall be required to refile at such times and under

such circumstances as may be set forth in sec. 458-b, subdivision 3 of the New York State Real Property Tax Law. 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.