

**TOWN OF MINDEN NEW YORK
LOCAL LAW NO. 1 OF THE YEAR 2023**

**A LOCAL LAW OF THE TOWN OF MINDEN PROVIDING PARTIAL EXEMPTION
FROM TAXATION OF REAL PROPERTY OWNED BY CERTAIN PERSONS OVER
65 WITHIN THE TOWN OF MINDEN**

Section 1. Legislative intent and purpose.

(a) This Local Law shall be known as Local Law No. 1 of the year 2023 to be enacted as a partial property tax exemption for persons 65 years of age or older, based upon certain income qualifications, pursuant to Real Property Tax Law 467.

(b) By this local law, the Town of Minden wishes to establish higher income eligibility levels via a sliding scale for those 65 or older eligible to receive a partial exemption in accordance with Real Property Tax Law (RPTL)§ 467 and formalize the partial exemption under a local law for its local town tax.

Section 2. Partial Tax Exemption Granted Under RPTL §467

Real property owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five years of age or over, shall be exempt from taxation for town and local purposes up to a maximum of fifty per cent (50%) of the assessed value provided the owner(s) meet the qualifications set forth below. For the purposes of this local law, sibling shall mean a brother or a sister, whether related through half blood, whole blood or adoption. Any person otherwise qualifying under this section shall not be denied the exemption under this section if they become sixty-five years of age after the appropriate taxable status date and on or before December thirty-first (31st) of the same year.

| ANNUAL INCOME VALUATION EXEMPT FROM TAXATION | PERCENTAGE ASSESSED |
|---|---------------------|
| Less than \$19,000 | 50% |
| More than \$19,000 but less than \$20,000 | 45% |
| More than \$20,000 but less than \$21,000 | 40% |
| More than \$21,000 but less than \$22,000 | 35% |
| More than \$22,000 but less than \$23,999 | 30% |
| More than \$24,000 but less than \$24,999 | 25% |

More than \$25,000 but less than \$25,999

20%

Section 3. Conditions of Exemption.

(a) Any exemption provided by this law shall be computed after all other partial exemptions allowed by law, excluding the school tax relief (STAR exemption), have been subtracted from the total amount assessed.

(b) This exemption shall not be rescinded solely because of the death of the older spouse, so long as the surviving spouse is at least sixty-two (62) years of age.

Section 4. Income Qualifications.

(a) The partial exemption to be granted hereunder shall be determined by the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application (hereinafter referred to individually or collectively as "income").

(b) Income tax year shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return for the year before the income tax year immediately preceding the date of application.

(c) Where title is vested in a married person, the combined income of such person and such person's spouse may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment and all other provisions of the law are met provided that where an exemption was previously granted when both resided on the property, then the person remaining on the property shall be sixty-two (62) or older and, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

(d) Such income shall include Social Security(including taxed and untaxed benefits) and retirement benefits, interest, dividends, total gains from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, and such other forms of income which are excluded under Real Property Tax Law § 467(3)(a), presently and as may be amended. The provisions of this paragraph notwithstanding, such income shall not include Veteran's disability compensation, as defined in Title 38 of the United States Code. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

Section 5. Additional Qualifications.

No exemption shall be granted hereunder unless:

(a) the owner shall have held an exemption under this section for the owner's previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least twelve consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of a married person in whose name title of the property shall have been vested at the time of death and then becomes vested solely in such person's surviving spouse by virtue of devise by or descent from the deceased spouse, the time of ownership of the property by the deceased spouse shall be deemed also a time of ownership by the surviving spouse and such ownership shall be deemed continuous for the purposes of computing such period of twelve consecutive months, In the event of a transfer by a married person to such person's spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of twelve consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section. Where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which as of the date of transfer was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within nine months of the date of transfer shall be deemed to satisfy the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of twelve consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property which as of the date of such death was exempt from taxation under such provisions, becomes vested, by virtue of devise or descent from the deceased owner or owners, or by transfer by any other means within nine months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of twelve consecutive months shall be deemed satisfied;

(b) the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;

(c) the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property: except where,

(1) an owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section twenty-eight hundred one of the public health law, provided that any income accruing to that person shall only be income only to the

extent that it exceeds the amount paid by such owner, spouse, or co-owner for care in the facility, and provided further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; or,

(2) the real property is owned by a married person or married couple, or by a formerly married person or a formerly married couple, and one spouse or ex-spouse is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be sixty-two years of age or over.

(d) That proportion of 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 entire parcel and the buildings thereon 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 such taxes otherwise payable by or chargeable to such tenant-stockholder.

Section 6. Administration.

(a) Application for such exemption must be made by the owner, or all of the owners of the property upon such forms as may be prescribed from time to time by the NYS Office of Real Property Services. Such applications must be filed with the assessor of the town or city in which the real property is located on or before the taxable status date. Nothing herein shall impair a partial exemption presently enjoyed by an eligible property owner. Each municipal corporation in which such real property is located shall notify each person owning residential real property in such municipal corporation of the provisions of this law. Failure to notify, or cause to be notified any person who is in fact, eligible to receive the exemption provided by this law or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of taxes on property owned by such person. A second copy of the notice required by this law shall be sent thirty days prior to the filing deadline.

(b) At least sixty days prior to the appropriate taxable status date, the assessing authority shall mail to each person who was granted exemption on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to be granted. The assessing authority shall, within three days of completion and filing of the tentative assessment roll, notify by mail any applicant whose application includes at least one self-addressed, pre-paid envelope of the approval or denial of the application; provided however that the assessing authority shall, upon the receipt and filing of the application, send by mail notification of receipt to any applicant who has included two of such envelopes with the application. Where an application is entitled to a notice of denial pursuant to this subdivision, such notice shall be on a form prescribed by the State Commissioner of Real Property and shall state the reasons for such denial and shall further state that the applicant may have such termination reviewed in the manner provided by law. Failure to mail any such applicant form or notices or the failure of such person to receive any of

the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owed by such person.

(c) This law shall apply to real property in which a person or persons hold a legal life estate or which is held in trust solely for the benefit of a person or persons if such person or persons would otherwise be eligible for a real property tax credit, were such person or persons the owner or owners of the real property.

Section 7.

To the extent that this local law is inconsistent with any existing law or Resolution, it shall supersede that law or Resolution.

Section 8.

If any clause, sentence or paragraph of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder of the local law, which shall as to such remainder remain in effect.

SECTION 9. Effective Date.

This local law shall take effect on January 1, 2024 and shall apply to taxable status dates occurring on or after such date.

1. Final adoption by local legislative body only.

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2023 of the Town of Minden was only passed by the Town Board on October 19, 2023, in accordance with the applicable provisions of law.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Date:
October 19, 2023

Timothy Beauregard
TOWN CLERK

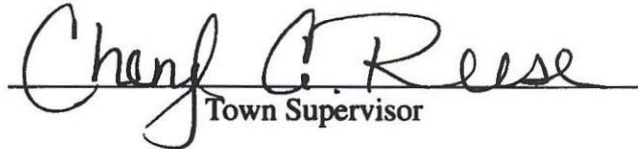


(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF MONTGOMERY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Date:
October 19, 2023


Town Supervisor