

LOCAL LAW No. 2 of 2023

Town of Rensselaerville Local Law Providing Real Property Tax Exemptions for Senior Citizens

Be it enacted by the Town Board of the Town of Rensselaerville as follows:

A. Title

This Local Law shall be entitled “Senior Citizens Real Property Tax Exemption”.

B. Effective Date

This Local Law shall take effect upon filing with the Secretary of State as provided by law.

C. Legislative Intent

Pursuant to Real Property Tax Law § 467 that permits local governments to grant partial tax exemptions for certain persons with limited income who are 65 years of age or older and the County of Albany has adopted such a local law and the Town of Rensselaerville desires to adopt the same.

D. Authority

This Local Law is adopted pursuant to the Real Property Tax Law Section 467 and Municipal Home Rule Law Sections 10 and 20.

E. Partial Tax Exemption Granted Under Real Property Tax Law § 467

Pursuant to Real Property Tax Law § 467(1)(b), real property owned by one or more persons, each of whom is 65 years of age or older, real property owned by husband or wife, one of whom is 65 years of age or older, shall be exempt from taxation by the Town of Rensselaerville, provided that the combined income of husband and wife is in accordance with the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE OF ASSESSED VALUATION EXEMPT FROM TAXATION</u>
\$50,000 or less	50%
More than \$50,000 but less than \$51,000	45%
\$51,000 or more but less than \$52,000	40%
\$52,000 or more but less than \$53,000	35%
\$53,000 or more but less than \$53,900	25%
\$53,900 or more but less than \$54,800	20%
\$54,800 or more but less than \$55,700	15%
\$56,600 or more but less than \$57,500	10%
\$57,500 or more but less than \$58,400	5%

F. Eligibility

The exemption shall be granted provided that:

- (a) The income of the persons owning the property, or the combined income does not exceed \$58,400, as the term “income” is defined in such section of the Real Property Tax Law.
- (b) Such person or persons applying for the exemption meet all other qualifications for such exemptions according to the provisions of § 467 of the Real Property Tax Law and further set forth in Albany County Local Law No. C. for 2023; and
- (c) Such person or persons comply with the procedures set forth therein § 467 of the Real Property Tax law and Albany County Local Law No. C. for 2023, in relation to the application for such exemptions.

G. Real Property Tax Law

All other provisions of Real Property Tax Law § 467 shall remain in effect for the purposes of real property taxation within the Town of Rensselaerville.

H. Application Process

Applications for such exemption shall be filed with the assessor of the Town of Rensselaerville on or before the taxable status date on a form as prescribed by the New York State Commissioner for the Office of Real Property Tax Services.

The assessor of the Town of Rensselaerville shall have the duty and responsibility of procuring and filing such certification prior to granting the exemption provided for by this Local Law.

I. Penalty for False Statement

- i. Any conviction of having made any willful false statement in the application for such exemption, shall be punishable by a fine of not more than one hundred dollars (\$100) and shall disqualify the applicant or applicants from further exemptions for a period of five (5) years.
- ii. Notwithstanding any inconsistent provisions of the New York State Real Property Tax Law, the collection of any such amount of tax erroneously exempted due to an incorrect statement in an application for exemption shall be enforceable in the same manner provided for the collection of delinquent taxes pursuant to the provision of Article 11 of the New York State Real Property Tax Law.
- iii. Any fine levied pursuant to this section shall be paid to the appropriate assessing authority.

J. Limit on Rescission of Exemption for Surviving Spouses.

The real property tax exemption on real property owned by a married couple, spouses, one of whom is sixty-five (65) years of age or over, once granted, shall not be rescinded by the Town of Rensselaerville solely because of the death of the older spouse so long as the surviving spouse is at least sixty-two (62) years of age.

K. Severability

If any clause, sentence, paragraph, subdivision or part of this Local Law of the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.