

LOCAL LAW NO. 6 OF 2023

A LOCAL LAW TO UPDATE AND AMEND CHAPTER 87, ARTICLE I, OF THE TOWN CODE OF THE TOWN OF CHESTER TO ADJUST THE SENIOR CITIZEN REAL PROPERTY TAX EXEMPTION IN ACCORDANCE WITH NEW YORK STATE REAL PROPERTY TAX LAW §467

Be it enacted by the Town of Chester in the County of Orange, as follows:

Section 1. Purpose and Intent

It is the intent and purpose of this Local Law to update and amend Chapter 87, Article I, of the Town Code of the Town of Chester, entitled “Senior Citizens Tax Exemption”, to increase the exemption limits to the maximum income ceiling permitted for senior citizens residing in the Town of Chester, County of Orange, State of New York, as authorized by New York State Real Property Tax Law §467.

Section 2. Amend and replace §87-0.1, entitled, “Exemption Granted”, to read as follows:

§87-0.1. Senior Citizen Property Tax Exemption Granted.

New York State Real Property Tax Law §467 establishes the maximum income limits that may be placed by local taxing jurisdictions upon resident property owners seeking a senior citizen tax exemption. Local governments have the option to grant a reduction in the amount of property taxes paid by qualifying senior citizens. New York State Real Property Tax Law §467 sets forth a maximum income ceiling for the exemption and allows for qualifying resident property owners who are 65 years of age or older, with income less than the maximum income ceiling, to obtain a 50% property tax exemption.

New York State Real Property Tax Law §467 further authorizes local taxing jurisdictions to adopt a sliding income scale under which incremental income increases above the maximum income ceiling may be applied to obtain a reduced exemption percentage ranging from 45% to 5%. The Town of Chester has elected to increase the exemption limits to the maximum income ceiling permitted for the senior tax exemption and adopt a sliding scale to allow for reduced exemption percentages to otherwise qualifying senior citizen real property owners.

Section 3. Amend and replace §87-0.2, entitled, “Late Filing of Application”, to read as follows:

§87-0.2. Senior Citizen Property Tax Exemption Levels.

- A. Real property located in the Town of Chester owned by persons 65 years of age or older shall be exempt from Town property taxes up to a maximum of 50% of the assessed valuation of eligible tax parcels pursuant to the following schedule and subject to the following conditions, commencing with the Town of Chester 2024 Assessment Roll (March 1, 2024 Taxable Status Date):

<u>Maximum Income Exemption Eligibility</u>	<u>Percentage of Assessed Valuation Exempt from Taxation</u>
Not more than \$50,000.00	50%
\$50,000.01 or more, but less than \$50,999.99	45%
\$51,000.00 or more, but less than \$51,999.99	40%
\$52,000.00 or more, but less than \$52,999.99	35%
\$53,000.00 or more, but less than \$53,899.99	30%
\$53,900.00 or more, but less than \$54,799.99	25%
\$54,800.00 or more, but less than \$55,699.99	20%
\$55,700.00 or more, but less than \$56,599.99	15%
\$56,600.00 or more, but less than \$57,499.99	10%
\$57,500.00 or more, but less than \$58,399.99	5%

- B. The owner, or owners, seeking this exemption must file an application annually in the Town of Chester Assessor's Office by the annual taxable status date of March 1st.
- C. The income of the owner or the combined income of the owners of the property shall be based on the income tax year immediately preceding the date an application for exemption is filed. The Town Assessor shall have the discretion to seek supporting documentation from an applicant when evaluating an application for this exemption.
- D. Where title to the real property is vested in either the husband or the wife, their combined income may not exceed the maximum income set forth in the schedule above. In accordance with New York State Real Property Tax Law §467(3)(a), such income shall include social security, retirement benefits, interest, dividends, total gain 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. Income shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, monies earned through employment in the federal foster grandparent program or medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, as set forth in New York State Real Property Tax Law §467(3)(a).
- E. The real property must be used exclusively for residential purposes, be occupied in whole or in part by the owners and constitute the legal residence of the owners.

Section 4. Amend and replace §87-0.3, entitled, "Late Filing of Application for Good Cause", to read as follows:

§87-0.3. Late Filing of Application.

In the event that the owner, or all of the owners, of property which has received an exemption pursuant to §467 of the New York State Real Property Tax Law on the

preceding assessment roll fail to file the application pursuant to §467 on or before the taxable status date, such owner or owners may file the application, executed as if such application had been filed before the taxable status date, with the Assessor on or before the date for the hearing of complaints.

Section 5. Add §87-0.4, entitled, “Late Filing of Application for Good Cause”, to read as follows:

§87-0.4. Late Filing for Good Cause.

In the event that the owner, or all of the owners, of property which has received an exemption pursuant to §467 of the New York State Real Property Tax Law on the preceding assessment roll fail to file the application pursuant to §467 on or before the taxable status date and the owner, or all of the owners, believe that cause existed for the failure to file the renewal application by that date, such owner or owners may, no later than the last day for paying taxes without incurring interest or penalty, submit a written request to the Assessor asking him or her to extend the filing deadline and grant the exemption. Such request shall contain an explanation of why the deadline was missed, and shall be accompanied by a renewal application reflecting the facts and circumstances as they existed on the taxable status date. The Assessor may extend the filing deadline and grant the exemption if he or she is satisfied that (i) good cause existed for the failure to file the renewal application by the taxable status date and (ii) the applicant is otherwise entitled to the exemption. The Assessor shall mail notice of his or her determination to the owner or owners. If the determination states that the Assessor has granted the exemption, he or she shall thereupon be authorized and directed to correct the assessment roll accordingly, or, if another person has custody or control over the assessment roll, to direct that person to make the appropriate corrections. If the correction is not made before taxes are levied, the failure to take the exemption into account in the computation of the tax shall be deemed a “clerical error” pursuant to New York State Real Property Tax Law §467 and shall be corrected accordingly.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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.

Section 7. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.