



VILLAGE OF NEW SQUARE

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VILLAGE OF NEW SQUARE INTRODUCTORY LOCAL LAW REAL PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS

BE IT ENACTED by the Board of Trustees of the Village of New Square, County of Rockland, State of New York, as follows:

Section 1. A local law, titled "Tax Exemption for Senior Citizens," is adopted to read as follows:

§1. Legislative intent. Pursuant to Real Property Tax Law § 467, residential real property owned by a person who is 65 years of age or over may be partially exempt from taxation. The intent of this local law is to authorize such partial real property tax exemption for qualifying homeowners. Such partial exemption shall be subject to the income limits and other restrictions set forth in the statute and this local law.

§2. Grant of exemption. Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, or real property owned by one or more persons, some of whom qualify under this local law and the other of whom qualify as persons with disabilities and limited incomes, shall be exempt from real property taxation by the Village of New Square to the extent set forth in the below schedule.

§3. Qualifications for exemption. In order to qualify for an exemption, the following requirements must be met:

A. Compliance with the age requirements in §2 above. A person otherwise qualifying under this local law shall not be denied an exemption if he becomes 65 years of age after the taxable status date and before December 31 of the same year;

B. Title to the property shall have been vested in the owner of the property or, if more than one, in one of the owners, for at least 12 consecutive months prior to the date the application is filed; provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of

computing such period of 12 consecutive months. In the event of a transfer by either a husband or wife to the other 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 12 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 1 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. Where the owner or owners transfer title to property which as of the date of transfer was exempt from taxation or PILOT under the provisions of this local law, the reacquisition of title by such owner or owners within 9 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 12 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 or PILOT 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 9 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 12 consecutive months shall be deemed satisfied;

C. The property must be used exclusively for residential purposes, provided, however, that in the event any such portion of such property is not so used exclusively for residential purposes but if used for other purposes, such portion shall be subject to taxation or PILOT and the remaining portion only shall be entitled to the exemption provided by this local law;

D. Pursuant to § 467 of the Real Property Tax Law, the percentage of the assessed valuation of real property which is exempt from taxation will be determined on the basis of annual income in accordance with the graduated schedule set forth below. "Annual income" refers to the income of the owner or the combined income of all the owners for the income tax year immediately preceding the date that the application is filed. Where the taxable status date is on or before April fourteenth, income tax year shall mean the 12-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 and where the taxable status date is on or after April fifteenth, income tax year shall mean the 12-month period for which the owner or owners filed a federal personal income tax return for the income tax year immediately preceding the date of application. Where title of the property is vested in either a husband or wife, or siblings, annual income is the combined income of the husband and wife, or siblings. In computing net rental income or 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. Such income shall include social security and retirement benefits, interest, dividends, total gains from 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, payments made to individuals because of their status as victims of Nazi persecution

or monies earned through employment in the federal foster grandparents program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In addition, an exchange of an annuity for an annuity contract, which resulted in non-taxable gain, as determined in section one thousand thirty-five of the internal revenue code, shall be excluded from such income provided that such exclusion shall be based on satisfactory proof that such an exchange was solely an exchange of an annuity contract that resulted in a non-taxable transfer determined by such section of the internal revenue code. Furthermore, such income shall not include the proceeds of a reverse mortgage; provided, however, that monies used to repay a reverse mortgage may not be deducted from income, and provided additionally that any interest or dividends realized from the investment of reverse mortgage proceeds shall be considered income. Veteran's disability compensation shall not be included in the calculation of income limits for the partial tax exemption contained in § 467 of the Real Property Tax Law;

Effective July 1, 2022	
Annual Income	Percentage of Assessed Valuation Exempt from Taxation
Less than \$50,000	50%
\$50,000 but less than \$51,000	45%
\$51,000 but less than \$52,000	40%
\$52,000 but less than \$53,000	35%
\$53,000 but less than \$53,900	30%
\$53,900 but less than \$54,800	25%
\$54,800 but less than \$55,700	20%
\$55,700 but less than \$56,600	15%
\$56,600 but less than \$57,500	10%
\$57,500 but less than \$58,400	5%

E. Ownership is limited to dwellings with three or fewer dwelling units or ownership of a single dwelling unit where title is vested in the owner in a dwelling containing four or more dwelling units and the dwelling unit is separately assessed to the individual owner or owners and to trailers or mobile homes which are separately assessed to the owner or owners of the property. Exemptions are not available to corporations, to persons leasing property or to an owner or owners of property with an interest less than a life estate; and

F. Unless 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, (i) an owner is absent from the residence while receive health-related care as an inpatient of a residential health care facility, provided that any income accruing to that person shall only be income only to the extend that it exceeds the amount paid by such owner, spouse, or co-owner for case 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, (ii) the real property is owned by a husband and/or wife, or an ex-husband and/or an ex-wife, and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this local law 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 62 years of age or over.

§4. Application for exemption; late filing. An application for an exemption pursuant to this local law must be made by the owner or all of the owners of the property on forms prepared by the Assessor's office, and the application must be filed in the Assessor's office on or before taxable status date.

A. In the event the owner, or all of the owners, of property which has received an exemption pursuant to § 467 of the 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 has been filed before the taxable status date, with the Assessor on or before the date for the hearing of complaints.

B. Any person who has been granted an exemption pursuant to this local law on 5 consecutive completed assessment rolls shall not be subject to the application requirements set forth above and shall be automatically granted an exemption pursuant to this article on such subsequent assessment roll; provided, however, that when tax payment is made by such a person, a sworn affidavit on forms prescribed by the State Board of Real Property Services must be included with such payment which shall state that such person continues to be eligible for such exemption. If such affidavit is not included with the tax payment, the collecting officer shall proceed pursuant to § 551-a of the Real Property Tax Law.

§5. Amount of exemption. Upon the determination by the Assessor that the requirements of this local law have been met, the exemption shall be allowed in accordance with a graduated schedule, as provided for in § 467 of the Real Property Tax Law, for property which so qualifies. The exemption does not apply to special ad valorem levies or special assessments.

§6. Burden of proof. The burden of proof is upon the application to show eligibility pursuant to this article and the rules and regulations of the Assessor.

§7. Cooperative apartment property; eligible property. Pursuant to § 467 of the Real Property Tax Law, the percentage of cooperative shares owned by senior citizens in a cooperative apartment corporation shall be eligible to be included in "qualifying residential real property" for the purposes of determining eligibility for a senior citizens real property tax exemption.

§8. Penalties for offenses. Any person convicted of making a willful false statement in the application for exemption under this local law shall be punished by a fine of not more than \$100 and shall be disqualified from further exemption for a period of 5 years.