LOCAL LAW NO. 2 OF 2016
COUNTY OF OTSEGO, NEW YORK

A LOCAL LAW TO AMEND LOCAL LAW NO. 6 OF 2005 PROVIDING FOR PARTIAL EXEMPTION FROM TAXATION BY THE COUNTY OF OTSEGO OF REAL PROPERTY OWNED BY PERSONS WHO ARE 65 YEARS OF AGE OR OVER BY INSTITUTING AN INCOME BASED SLIDING SCALE

BE IT ENACTED by the Board of Representatives of the County of Otsego as follows:

Section 1. 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, one of whom is 65 years of age or over shall be exempt from taxation by the County of Otsego to the extent of 50 percent of the assessed valuation thereof, provided the income of the owner or combined income of the owners of the property for the income tax year immediately preceding the date of making the application for exemption is less than Eighteen Thousand Dollars ($18,000.00) for the year 2016, presented for application for the year 2017 and for each year thereafter.

Section 2. Beginning with applications presented for the year 2017, based on 2016 income, and for each year thereafter, a partial exemption shall be granted on a sliding scale as follows:

If 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 for exemption (a) equals the sum of Eighteen Thousand Dollars ($18,000.00) but is less than Nineteen Thousand Dollars ($19,000.00), the exemption amount shall be 45 percent of the assessed valuation of the real property;
(b) equals the sum of Nineteen Thousand Dollars ($19,000.00) but is less than Twenty Thousand Dollars ($20,000.00), the exemption amount shall be 40 percent of the assessed valuation of the real property;

(c) equals the sum of Twenty Thousand Dollars ($20,000.00) but is less than Twenty One Thousand Dollars ($21,000.00), the exemption amount shall be 35 percent of the assessed valuation of the real property;

(d) equals the sum of Twenty One Thousand Dollars ($21,000.00) but is less than Twenty One Thousand Nine Hundred Dollars ($21,900.00), the exemption amount shall be 30 percent of the assessed valuation of the real property;

(e) equals the sum of Twenty One Thousand Nine Hundred Dollars ($21,900.00) but is less than Twenty Two Thousand Eight Hundred Dollars ($22,800.00), the exemption amount shall be 25 percent of the assessed valuation of the real property;

(f) equals the sum of Twenty Two Thousand Eight Hundred Dollars ($22,800.00) but is less than Twenty Three Thousand Seven Hundred Dollars ($23,700.00), the exemption amount shall be 20 percent of the assessed valuation of the real property;

(g) equals the sum of Twenty Three Thousand Seven Hundred Dollars ($23,700.00) but is less than Twenty Four Thousand Six Hundred Dollars ($24,600.00), the exemption amount shall be 15 percent of the assessed valuation of the real property;

(h) equals the sum of Twenty Four Thousand Six Hundred Dollars ($24,600.00) but is less than Twenty Five Thousand Five Hundred Dollars ($25,500.00), the exemption
amount shall be 10 percent of the assessed valuation of the real property;

(i) equals the sum of Twenty Five Thousand Five Hundred Dollars ($25,500.00) but is less than Twenty Six Thousand Four Hundred Dollars ($26,400.00), the exemption amount shall be 5 percent of the assessed valuation thereof;

(j) equals or exceeds the sum Twenty Six Thousand Four Hundred Dollars ($26,400.00), no exemption shall be granted.

Section 3. For purposes of this local law:

(a) income tax year shall mean the twelve month period for which the owner or owners filed a Federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include Social Security and 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 but shall not include a return of capital, gifts or inheritances. 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;

(b) unless the title of the property shall have been vested in the owner or one of the owners of the property for at least twenty-four (24) consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either 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 twenty-four consecutive months and provided further that 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 twenty-four consecutive months and provided further that 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 the purposes of this local law. Where a residence is sold and replaced with another within one year and is in the County, the period of ownership of the former property shall be combined with the period of ownership of the replacement residence and deemed consecutive for exemption from taxation by the County. Notwithstanding any other provision of law, 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 the purposes of this exemption from taxation;

(c) unless 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;

(d) 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, provided that an owner who is absent 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, shall be deemed to remain a legal resident and an occupant of the property while so confined and income accruing to that person shall 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.

Section 4. An application for such exemption must be made by the owner, or all of the owners of the property on forms to be furnished by the assessors of the various assessing units in the County, and shall be executed in the manner required or prescribed in such forms, and they shall be filed in the office of the appropriate assessor at least ninety days before the day for filing the final assessment roll.

Section 5. That this local law is adopted pursuant to provisions of Section 467 of the Real Property Tax Law of the State of New York, and is subject to any revision of that section by act of the legislature of the State of New York by amendment, rescission or otherwise. It being intended hereby to have this local law automatically amended by an act of legislature which shall affect the exemption granted hereunder.
Section 6. This Local Law shall take effect immediately upon filing with the Secretary of State.
RESOLUTION NO. 270-20160907

RESOLUTION - ADOPTING A LOCAL LAW FOR THE YEAR 2016 (A LOCAL LAW TO AMEND LOCAL LAW NO. 6 OF 2005 PROVIDING FOR PARTIAL EXEMPTION FROM TAXATION BY THE COUNTY OF OTSEGO OF REAL PROPERTY OWNED BY PERSONS WHO ARE 65 YEARS OF AGE OR OVER BY INSTITUTING AN INCOME BASED SLIDING SCALE)

FRAZIER, GELBSMAN, OBERAKER, CARSON, STULIGROSS

WHEREAS, there was duly presented to the Board of Representatives of the County of Otsego at a regular meeting duly held in the Meeting Room of the Board of Representatives in the Otsego County Office Building, Cooperstown, New York on August 3, 2016, a local law for the year 2016 entitled "A Local Law to Amend Local Law No. 6 of 2005 providing for partial exemption from taxation by the County of Otsego of Real Property owned by persons who are 65 years of age or over by instituting an income based sliding scale"; and

WHEREAS, a public hearing was duly held on the proposed Local Law in the Meeting Room of the Board of Representatives in the Otsego County Office Building, 197 Main Street, Cooperstown, New York on the 7th day of September, 2016 at 9:30 a.m., at which time all interested persons were heard; now, therefore, be it

RESOLVED, that a local law of the County of Otsego for the year 2016, as above set forth, be and the same is hereby adopted.
STATE OF NEW YORK :  
     SS  
COUNTY OF OTSEGO :  

I, Carol D. McGovern, Clerk of the Board of Representatives of Otsego County, New York, DO HEREBY CERTIFY that I have compared the foregoing copy of resolution with the original resolution on file in my office and that the same is a true and complete copy thereof as duly adopted by said Board of Representatives while in session on the 7th day of September, 2016.

WITNESS my hand and the official seal of the Board of Representatives of Otsego County, New York, this 8th day of September, 2016.

(SEAL)

Carol D. McGovern  
Clerk, Board of Representatives  
Otsego County, New York