

## *Local Law Filing*

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**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County   City   Town   Village  
(select one:)

**of New Lebanon**

**Introductory Local Law No. 7 of the year 2023**

**A LOCAL LAW TO AMEND CHAPTER 185 OF THE TOWN CODE OF THE TOWN OF NEW LEBANON, ENTITLED “TAXATION”, WITH RESPECT TO THE EXEMPTIONS FOR SENIOR CITIZENS, VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS, AND PERSONS WITH DISABILITIES WITH LIMITED INCOMES.**

**Be it enacted by the Town Board of the Town of New Lebanon as follows:**

See attached.

**(If additional space is needed, attach pages the same size as this sheet, and number each.)**

**TOWN OF NEW LEBANON**

**INTRODUCTORY LOCAL LAW NO. 7 OF THE YEAR 2023**

**A LOCAL LAW TO AMEND CHAPTER 185 OF THE TOWN CODE OF THE TOWN OF NEW LEBANON, ENTITLED “TAXATION”, WITH RESPECT TO THE EXEMPTIONS FOR SENIOR CITIZENS, VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS, AND PERSONS WITH DISABILITIES WITH LIMITED INCOMES.**

**SECTION 1**

This local law shall be referred to as “A Local Law to Amend Chapter 185 of the Town Code of the Town of New Lebanon, Entitled “Taxation”, with Respect to the Exemptions for Senior Citizens, Volunteer Firefighters and Ambulance Workers, and Persons with Disabilities with Limited Incomes.”

**SECTION 2**

Chapter 185 of the Town Code of the Town of New Lebanon, relating to Taxation, is hereby amended as follows:

- A. Section 185-4 of Article III of Chapter 185 of the Town Code of the Town of New Lebanon, relating to Senior Citizens Exemption, is hereby amended to read in its entirety as follows:

**§ 185-4. Maximum income levels; filing of application.**

- A. With regard to the 2024 assessment roll and continuing thereafter until a different maximum income level and partial exemption schedule is adopted by the Town Board of the Town of New Lebanon, the maximum income level for the fifty-percent exemption for senior citizens shall be established at \$34,000, and the following partial exemptions are hereby established:

<u>Annual Income</u>			<u>Percentage of Assessed Valuation Exempt from Taxation</u>
\$34,000.00 or less			50%
\$34,000.01	to	\$34,999.99	45%
\$35,000.00	to	\$35,999.99	40%
\$36,000.00	to	\$36,999.99	35%
\$37,000.00	to	\$37,899.99	30%
\$37,900.00	to	\$38,799.99	25%
\$38,800.00	to	\$39,699.99	20%
\$39,700.00	to	\$40,599.99	15%
\$40,600.00	to	\$41,499.99	10%
\$41,500.00	to	\$42,399.99	5%

B. *(Repealed.)*

C. Notwithstanding the provisions of Real Property Tax Law § 467(5), any application for an exemption pursuant to the exemption levels set forth in this article may be filed with the Town of New Lebanon assessor after the appropriate taxable status date, but not later than the last date on which a petition with respect to complaints of assessment may be filed, where failure to file a timely application resulted from: a death of the applicant's spouse, child, parent, brother or sister; or an illness of the applicant or of the applicant's spouse, child, parent, brother or sister, which actually prevented the applicant from filing on a timely basis, as certified by a licensed physician. The assessor shall approve or deny such application as if it had been filed on or before the taxable status date.

B. Article IV of Chapter 185 of the Town Code of the Town of New Lebanon, relating to Volunteer Fire Fighters and Ambulance Workers Exemption, is hereby amended to read in its entirety as follows:

**Article IV Volunteer Fire Fighters and Ambulance Workers Exemption**

**§ 185-5 Grant of exemption.**

Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled

member and spouse shall be exempt from taxation to the extent of ten (10) percent of the assessed value of such property for town and special district purposes, exclusive of special assessments, in accordance with this Article IV and Real Property Tax Law § 466-a (as added by L. 2022, c.670, § 1).

**§ 185-6 Qualifications.**

The exemption provided for under this Article IV shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service if:

- A. The applicant resides in the Town of New Lebanon and is a member of an incorporated volunteer fire company or fire department or incorporated voluntary ambulance service which provides service within the Town of New Lebanon; and
- B. The real property which is the subject of such exemption is the primary residence of the applicant; and
- C. The real property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence 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 Article; and
- D. The applicant has obtained and displayed a certificate issued by the authority having jurisdiction for the incorporated volunteer fire company or fire department indicating that the applicant has been an enrolled member of such incorporated volunteer fire company or fire department for at least two (2) years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least two (2) years.

**§ 185-7 Continuation of eligibility requirements.**

The applicant shall maintain continual eligibility for the exemption by being a continuously active member of the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service. An active member shall meet the requirements for active service as defined by each incorporated volunteer fire company, fire department or incorporated voluntary ambulance service. Annual attestation by such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service is required to maintain this exemption.

**§ 185-8 Twenty-year active members.**

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty (20) years of active service, as defined in sections 185-6 and 185-7 of this chapter, and who is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten (10) percent exemption as authorized by this Article IV for the remainder of his or her life as long as such person satisfies all applicable requirements therefor under Real Property Tax Law § 466-a (3), as may be amended from time to time, and/or its successor.

**§ 185-9 Un-remarried surviving spouses of volunteers killed in the line of duty.**

An un-remarried spouse of a volunteer firefighter or volunteer ambulance worker killed in the line of duty may receive the real property tax exemption if:

- A. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service who was killed in the line of duty; and
- B. Such deceased volunteer had been an enrolled member for at least five (5) years; and

- C. Such deceased volunteer had been receiving the exemption prior to his or her death.

**§ 185-10 Un-remarried surviving spouses of volunteers with at least twenty (20) years of service.**

An un-remarried spouse of a volunteer firefighter or volunteer ambulance worker with twenty (20) years of service may receive the real property tax exemption if:

- A. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service;
- B. Such deceased volunteer had been an enrolled member for at least twenty (20) years; and
- C. Such deceased volunteer and un-remarried spouse had been receiving the exemption of such property prior to the death of such volunteer.

**§ 185-11 Application for exemption.**

- A. Applications for such exemption shall be filed with the assessor 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.
- B. The assessor of the town shall have the duty and responsibility of procuring and filing a copy of such certification(s) prior to granting the exemption provided for by this Article.

**§ 185-11.1 No diminution of current benefits.**

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of law on the effective date

of this Article shall suffer any diminution of such benefit because of the provisions of this Article.

**§ 185-11.2 Effective date.**

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

C. Section 185-14 of Article V of Chapter 185 of the Town Code of the Town of New Lebanon, relating to Persons With Disabilities and Limited Income Exemption, is hereby amended to read in its entirety as follows:

**§ 185-14. Maximum income level.**

A. With regard to the 2024 assessment roll and continuing thereafter until a different maximum income level and partial exemption schedule is adopted by the Town Board of the Town of New Lebanon, the maximum income level for the fifty-percent exemption for persons with disabilities and limited incomes shall be established at \$34,000, and the following partial exemptions are hereby established:

<u>Annual Income</u>			<u>Percentage of Assessed Valuation Exempt from Taxation</u>
\$34,000.00 or less			50%
\$34,000.01	to	\$34,999.99	45%
\$35,000.00	to	\$35,999.99	40%
\$36,000.00	to	\$36,999.99	35%
\$37,000.00	to	\$37,899.99	30%
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\$39,700.00	to	\$40,599.99	15%
\$40,600.00	to	\$41,499.99	10%
\$41,500.00	to	\$42,399.99	5%

B. *(Repealed.)*



### **SECTION 3**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

### **SECTION 4**

This Local Law is enacted pursuant to the New York Municipal Home Rule Law and New York Real Property Tax Law §§ 459-c, 466-a (as added by L. 2022, c. 670), and 467.

### **SECTION 5**

This Local Law shall become effective upon the filing of this Local Law with the New York Secretary of State or January 1, 2024, whichever is later.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_ of 2023 of the ~~(County)(City)(Town)(Village)~~ of New Lebanon was duly passed by the Town Board of the Town of New Lebanon on \_\_\_\_\_, 2023 in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.

(Name of Legislative body)  
(Elective Chief Executive Officer\*)

~~**3. (Final adoption by referendum.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

(Name of Legislative body)  
(Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

(Name of Legislative body)  
(Elective Chief Executive Officer\*)

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. ~~(City local law concerning Charter revision proposed by petition.)~~**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. ~~(County local law concerning adoption of Charter.)~~**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(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.

\_\_\_\_\_  
Marcie Robertson, Town of New Lebanon Town Clerk  
Clerk of the county legislative body, City, Town or Village  
Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_