

## **LOCAL LAW NO. H FOR 2023**

### **A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 270 OF THE ALBANY COUNTY CODE TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR PERSONS WITH DISABILITIES AND LIMITED INCOMES**

**[A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 8 FOR 1997, GRANTING A PARTIAL TAX EXEMPTION OF REAL PROPERTY OWNED BY PERSONS WITH LIMITED INCOMES WHO ARE DISABLED IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 459-C]**

Introduced: 4/10/23

By Rosano, Reinhardt, A. Joyce, Feeney, Willingham, Beston, Chapman, Cleary, Commisso, Efekoro, Fein, Lekakis, Mayo, Mclean Lane, Miller, Peter, Plotsky, Reidy, Reinhardt, Ricard, Simpson, Cunningham, Burgdorf, Kuhn and Whalen:

A Local Law amending Chapter 270 of the Code of the County of Albany to create an updated real property tax exemption for persons with disabilities and limited incomes pursuant to the New York State Real Property Tax Law.

BE IT ENACTED by the Legislature of the County of Albany as follows:

#### **Section 1. Amending prior local law.**

This Local Law hereby amends the following sections of Article IX: Exemption for Disabled Persons with Limited Income as it is currently written: §270-78 to §270-86

#### **Section 2. Title.**

This article shall be known as the "Exemption for Disabled Persons with Limited Income."

#### **Section 3. § 270-78 Exemption amount.**

Pursuant to §459 of the Real Property Tax Law of the State of New York, effective as hereinafter provided, there shall be an exemption from taxation for general county purposes to the extent of the percentage of assessed valuation provided in the following schedule, determined by the maximum income exemption eligibility level also provided in the following schedule up to a maximum of fifty percent (50%) of the assessed valuation of real property owned by one (1) or more persons with disabilities, or real property owned by a husband or wife, or both, or by siblings, at least one of

whom has a disability, and whose income, as hereinafter defined, is limited by reason of such disability:

<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	30
\$53,900 or more but less than \$54,800	25
\$54,800 or more but less than \$55,700	20
\$55,700 or more but less than \$56,600	15
\$56,600 or more but less than \$57,500	10
\$57,500 or more but less than \$58,400	5

#### **Section 4. § 270-79. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

“Sibling” shall include persons whose relationship as siblings has been established through either half blood, whole blood or adoption.

“Person with a Disability” is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person’s ability to engage in one or more major life activities, such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who (I) is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the Federal Social Security Act, or (II) is certified to receive Railroad Retirement Disability benefits under the Federal Railroad Retirement Act, or (III) has received a certification from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind or (IV) is certified to receive a United States Postal Service disability pension.

#### **Section 5. § 270-80. Required Proof.**

An award letter from the Social Security Administration or the Railroad Retirement Board, or a certification from the State Commission for the Blind and Visually Handicapped, or an award letter from the United States Postal Service shall be submitted as proof of disability.

## **Section 6. § 270-81 Computation of Exemption.**

Any exemption provided by this local law shall be computed after all other partial exemptions allowed by law, excluding the School Tax Relief (STAR) exemption have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same tax purpose pursuant to both this local law and Section 467 of the Real Property Tax Law.

## **Section 7. § 270-82. Real Property Held in Trust.**

Notwithstanding any other provisions of law to the contrary, the provisions of this local law shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption pursuant to this local law.

## **Section 8. § 270-83 Cooperative apartment ownership.**

- A. Title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.
- B. That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

## **Section 9. § 270-84. Conditions on grant of exemption.**

No exemption shall be granted:

- A. If the income of the owner or the combined income of the owners of the property for the applicable income tax year [exceeds the sum of three thousand dollars, or such other sum not] is less than three thousand dollars [n]or more than fifty eight thousand four hundred dollars, as authorized by RPTL § 459-c.
- B. That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property

vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

- C. Where title is vested in a married person, the combined income of such person and such person's spouse may not exceed such sum, except where one spouse or ex-spouse is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.
- D. The term "income" as used herein shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions, plus any social security benefits not included in such federal adjusted gross income; provided that if no such return was filed for the applicable income tax year, the applicant's income shall be determined based on the amounts that would have so been reported if such a return had been filed; and provided further, that when determining income for purposes of this section, the following conditions shall be applicable:
  - 1. the applicant's income shall be offset by all medical and prescription drug expenses actually paid that were not reimbursed or paid for by insurance;
  - 2. any tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income shall be considered income; and
  - 3. any losses that were applied to reduce the applicant's federal adjusted gross income shall be subject to the following limitations:
    - a. the net amount of loss reported on federal Schedule C, D, E, or F shall not exceed three thousand dollars per schedule,
    - b. the net amount of any other separate category of loss shall not exceed three thousand dollars, and
    - c. the aggregate amount of all losses shall not exceed fifteen thousand dollars;
- E. 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 or PILOT and the remaining portion only shall be entitled to the exemption provided by this section;
- F. unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence 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, provided that any income accruing to that person shall

be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

**Section 10. § 270-85 Application for exemption.**

- A. Application for such exemption must be made annually by the owner, or all of the owners of the property, on forms prescribed by the State Board to be furnished by the appropriate local assessing unit, and shall furnish the information and be executed in the manner required or prescribed on such forms, and shall be filed in such Assessor's Office on or before the appropriate taxable status date; provided however, proof of a permanent disability need be submitted only in the year an exemption pursuant to this local law is first sought or the disability is first determined to be permanent.
- B. At least sixty (60) days prior to the appropriate taxable status date, the appropriate local assessing unit shall mail to each person who was granted an exemption pursuant to this local law on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

**Section 11. § 270-86 When effective, applicability.**

This law shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on and after January 1, 2024.

*Referred to Law Committee – 7/10/23*

*Favorable Recommendation Law Committee – 8/30/23*