

**BE IT ENACTED** by the Town Board of the Town of Granby as follows:

**Section 1. Title and Legislative Findings.**

(a) The Town of Granby Town Board has, heretofore, by resolution at a meeting held on July 10, 1968, enacted a partial property tax exemption for persons 65 years of age or older, based upon certain income qualifications, pursuant to Real Property Tax Law 467 with a maximum income level of \$5,000.

(b) On January 11, 1995, by resolution, changed the income eligibility to a sliding scale regarding a partial tax exemption on property owned by persons 65 years or older.

(c) The income sliding scale has been amended by Local Law No. 2 of 1997 and again by Local Law No. 2 of 2004.

(c) By this local law, the Town of Granby wishes to establish higher income eligibility levels via a sliding scale for those 65 or older eligible to receive a partial exemption in accordance with Real Property Tax Law (RPTL)§ 467 and formalize the partial exemption under a local law.

**Section 2. Partial Tax Exemption Granted Under RPTL §467**

Real property owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by jointly married spouses, one of whom is sixty-five years of age or over, shall be exempt from taxation for county purposes up to a maximum of fifty per cent (50%) of the assessed value provided the owner(s) meet the qualifications set forth below. Any person otherwise qualifying under this section shall not be denied the exemption under this section if they become sixty-five years of age after the appropriate taxable status date and on or before December thirty-first (31<sup>st</sup>) of the same year.

<b>Exemption Percentage</b>	<b>Income Range (in dollars)</b>	
	<b>Low</b>	<b>High</b>
50%	0	29,000.00
45%	29,000.01	29,999.99
40%	30,000.00	30,999.99
35%	31,000.00	31,999.99
30%	32,000.00	32,899.99
25%	32,900.00	33,799.99
20%	33,800.00	34,699.99
15%	34,700.00	35,599.99
10%	35,600.00	36,499.99
5%	36,500.00	37,399.99
0%	\$37,400 and over	

### **Section 3. Income Qualifications.**

- (a) The partial exemption to be granted hereunder shall be determined by 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 (hereinafter referred to individually or collectively as “income”).
- (b) Income tax year shall mean the twelve-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.
- (c) Where title is vested by one member of the marital community, their combined income may not exceed such sum, except where one spouse or ex-spouse is absent from the property as provided in subparagraph (c)(2) of Section 4 of this local law, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.
- (d) Such income shall include Social Security and retirement benefits, interest, dividends, total gains 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, inheritances, and such other forms of income which are excluded under Real Property Tax Law § 467(3)(a), presently and as may be amended. The provisions of this paragraph notwithstanding, such income shall not include Veteran’s disability compensation, as defined in Title 38 of the United States Code. 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.

### **Section 4. Additional Qualifications.**

No exemption shall be granted hereunder unless:

- (a) the owner shall have held an exemption under this section for his previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least twelve consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either spouse 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 spouse, the time of ownership of the property by the deceased spouse 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 twelve 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 twelve 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 one 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 by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which as of the date of transfer was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within nine 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 twelve 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 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 nine 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 twelve consecutive months shall be deemed satisfied;

(b) 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;

(c) 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,

(1) an owner 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 only 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; or,

(2) the real property is owned by a member of the marital community, or an ex-spouse, and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section 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 sixty-two years of age or over.

(d) the real property otherwise meets the qualifications contained in Real Property Tax Law§ 467, as the same may be amended from time to time.

**Section 5. Administration.**

Application for such exemption must be made by the owner, or all of the owners of the property upon such forms as may be prescribed from time to time by the NYS Office of Real Property Services. Such applications must be filed with the assessor of the town on or before the taxable status date. Nothing herein shall impair a partial exemption presently enjoyed by an eligible property owner.

**Section 6. Effective Date.**

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