

**CHAPTER 98  
TAXATION**

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**ARTICLE I****Tax Exemption for Persons Sixty-Five (65) Years of Age or Over and Persons with Disabilities and Limited Incomes**

**[Last amended in its entirety on 2-9-09 by L.L. No. 2 of 2009]**

**§ 98-1. Statutory authority.**

This Article is adopted pursuant to the authority of Real Property Tax Law §459(c) and §467. All definitions, terms and conditions of such statute shall apply to this Article and are incorporated herein.

**§ 98-2. Real property tax exemptions for persons sixty-five (65) years of age or over and persons with disabilities and limited incomes.**

The Town Board of the Town of New Baltimore does hereby establish the following sliding scale of property tax exemptions for real property owned by persons sixty-five (65) years of age or over and for real property owned by a person with a disability whose income is limited by such disability, and used as the legal residence of such person, based on the income limits set forth below:

<b><u>Maximum Income Limit</u></b>	<b><u>Property Tax Exemption</u></b>
\$19,500.00 or less	50%
\$19,500.01-\$20,499.99	45%
\$20,500.00-\$21,499.99	40%
\$21,500.00-\$22,499.99	35%
\$22,500.00-\$23,399.99	30%
\$23,400.00-\$24,299.99	25%
\$24,300.00-\$25,199.99	20%
\$25,200.00-\$26,099.99	15%
\$26,100.00-\$26,999.99	10%
\$27,000.00-\$27,899.99	5%

**§ 98-3. Eligibility limited.**

Any person who qualifies for a property tax exemption as a person with a disability shall not be eligible for a property tax exemption as a person who is sixty five (65) years of age or over.

**§ 98-4. Medical and prescription expenses.**

The maximum income limit set forth in § 98-2. above shall be offset by medical and prescription drug expenses actually paid which are not reimbursed or paid for by insurance.

**ARTICLE II**  
**General Business Investment Tax Exemption**  
**[Adopted 3-12-1985 by L.L. No. 1-1985]**

**§ 98-5. Exemption granted.**

Pursuant to the authority of Subdivision 7 of § 485-b of the Real Property Tax Law, the partial exemption from taxation, special ad valorem levies and service charges provided by Subdivision 2 of such § 485-b to eligible real property assessed for town purposes is reduced herein. The exemption granted for the first year shall be to the extent of 50%. Thereafter such exemption shall be reduced and computed for the number of years set forth herein as follows:

<b>Year of Exemption</b>	<b>Percentage of Exemption</b>
2	45%
3	40%
4	35%
5	30%
6	25%
7	20%
8	15%
9	10%
10	5%

**ARTICLE III**  
**Exemption for Business Certified by State Job**  
**Incentive Program**  
**[Adopted 12-14-1982 by LL. No. 2-1982]**

**§ 98-6. Statutory authority.**

The Board of Assessors of the Town of New Baltimore shall have the power and is hereby directed and charged, within the purview of its jurisdiction, with the duty to carry out the purpose and intent of Article 4-A of the Commerce Law of the State of New York, § 485 of the Real Property Tax Law of the State of New York and the other applicable laws of the state, to grant to business facility owners or operators exemption from taxes and special ad valorem levies to the extent provided in the aforesaid mentioned New York State laws.

**§ 98-7. Determination of assessed value and grant of exemption.**

The Board of Assessors shall determine the assessed value of the exemption pursuant to such state laws and shall grant an exemption of 100% thereof for a maximum of 10 years for each eligible business facility. Such business facilities shall be exempt from taxes and special ad valorem levies imposed by or on behalf of the town for said period of time.

**ARTICLE IV**  
**Veterans Exemption**  
**[Adopted 3-14-2000 by L.L. No. 1-2000]**

**§ 98-8. Purpose.**

The purpose of this article is to maintain the ratio of the amount of the veterans' exemption to the assessed valuation of property on which the exemption was granted when the ratio may change as a result of a revaluation or update of assessments, as authorized by § 458, Subdivision 5, Paragraph (a) and to permit veterans to reapply for the exemption under Real Property Tax Law § 458, as authorized by Paragraph (b) of Subdivision 5 of § 458 of the Real Property Tax Law.

**§ 98-9. Increase or decrease in exemption based on revaluation of property.**

- A. If the total assessed value of real property, for which an exemption has been granted pursuant to § 458 of the Real Property Tax Law, has been increased or decreased as a result of a revaluation or update of assessments in the Town of New Baltimore, and a material change in level of assessment has been certified by the State Board of Real Property Services for the assessment roll on which such property is assessed, the Assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by such change in level of assessment.
- B. In accordance with Paragraph (a) of Subdivision 5 of such § 458, if the Assessor receives the certification from the State Board after the final assessment roll has been filed, the Assessor shall certify the amount of the recomputed exemption to the officer having custody and control of the roll who is directed and authorized by such statute to enter the recomputed exemption on the roll.

**§ 98-10. Option to reapply for exemption under § 458; time limit.**

A veteran who had received an exemption under such § 458, and who had opted for the alternate exemption of § 458-a of such law, may reapply for the exemption under § 458 as authorized by Paragraph (b) of Subdivision 5 of such § 458, if such veteran applies within one year from the adoption of this article.

**ARTICLE V**  
**Alternative Veterans Exemption**  
**[Adopted 4-10-2006 by L.L. No. 2-2006]**

**§ 98-11. Increase in exemption.**

The Town Board of the Town of New Baltimore hereby increases the maximum exemptions allowable from Town real property taxation pursuant to § 458-a of the Real Property Tax Law to \$18,000, \$12,000 and \$60,000, for veterans with service during wartime, service in a combat zone, and service-connected disabilities, respectively.

**§ 98-12. When effective.**

Any such real property tax exemption will apply on assessment rolls completed based upon the taxable status date March 1, 2006, and after.

**§ 98-13. Gold Star Parents. [Added 1-8-2007 by L.L. No. 2-2007]**

- A. This section is enacted pursuant to the authority set forth in and in accordance with the New York State Real Property Tax Law (RPTL) § 458-a, as amended by Chapter 326 of the Laws of 2000. All terms and definitions of RPTL § 458-a shall be equally applicable in this section.
- B. As authorized by Subdivision 7 of RPTL § 458-a, the Town of New Baltimore hereby includes a Gold Star Parent (i.e., parent of a child who died in the line of duty while serving in the United States Armed Forces during a period of war) within the definition of "qualified owner" set forth in RPTL § 458-a(1)(c), and property owned by a Gold Star Parent within the definition of "qualifying residential real property" set forth in RPTL § 458-a(1)(d), provided that such property shall be the primary residence of the Gold Star Parent. The additional exemption provided for in RPTL § 458-a(2)(c) shall not apply to real property owned by a Gold Star Parent.

**§ 98-14. Cold War Veterans. [Added 12-10-2007 by L.L. No. 10-2007]****A. Legislative Intent.**

The New York State Legislature has enacted a new tax exemption for veterans of the Cold War who served for more than one year, active duty in the United States armed forces between September 2, 1945 and December 26, 1991. The purpose of this section is to provide the benefit allowable under the State Law to veterans of the Cold War. These limits are granted pursuant to Section 458-b of the New York State Real Property Tax Law.

**B. Definitions.** As used in this section, the following terms shall have the meanings indicated:

COLD WAR VETERAN -- A person, male or female, who served on active duty in the United States armed forces, during the time

period from September 2, 1945 to December 26, 1991, and was discharged or released therefrom under honorable conditions.

- C. Pursuant to Real Property Tax Law § 458-b, qualifying residential real property owned by a Cold War Veteran shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided however, that such exemption shall not exceed \$8,000 or the product of \$8,000 multiplied by the latest final state equalization rate, whichever is less.
- D. In addition to the exemption provided by paragraph C. of this section, where the Cold War Veteran received a compensation rating from the United States Veteran's Affairs or from the United States Department of Defense because of a service connected disability, the qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the cold war veteran disability rating; provided, however, that such exemption shall not exceed \$40,000 or the product of \$40,000 multiplied by the latest final state equalization rate, whichever is less.
- E. If a Cold War Veteran receives the exemption provided under section 458 or 458-a of the Real Property Tax Law, the Cold War Veteran shall not be eligible to receive the exemption under section 458-b of the Real Property Tax Law. The exemption provided by paragraph C. of this section shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to Real Property Tax Law §458-b(2)(c)(iv).

**ARTICLE VI**  
**Partial Real Property Tax Exemption**  
**For Reconstruction, Alterations or Improvements**  
**Made To One and Two Family Residential Buildings**  
**[Adopted 2-11-2008 by L.L. No. 2-2008]**

**§ 98-15. Title.**

This Article shall be known as the "Real Property Tax Exemption for Capital Improvements to Residential Property Law".



**§ 98-16. Legislative intent.**

The Town Board of the Town of New Baltimore, Greene County, New York hereby finds that it is necessary and desirable to authorize a partial exemption from real property taxation of the increase in assessed value attributable to reconstruction, alterations, or improvements made to one and two family residential buildings. This authorization for exemption is set forth in Section 421-f of the New York State Real Property Tax Law.

**§ 98-17. Eligibility for exemption.**

- A. Eligibility for such an exemption is set forth in § 421-f of the New York State Real Property Tax Law. This exemption is limited to a minimum increase of \$3,000 in market value and a maximum increase of \$80,000 in market value. The market value of the new construction is calculated by dividing the increase in assessed value attributable to the new construction by the latest state equalization rate or special equalization rate, unless such rate is 95% or more, in which case the increased assessed value will be deemed to equal market value.
- B. Property must be used as a residence for not more than two families. In the event that a building granted such exemption ceases to be used as a residence for one or two families, or if title to the property is transferred to other than heirs or distributees of the owner, the granted exemption shall cease.
- C. In order to obtain the exemption, the greater portion of the residence, as measured by square footage, after the capital improvement, must be at least five years old.
- D. This exemption applies to reconstruction, alterations, or improvements; it does not apply to ordinary maintenance or repairs.
- E. Provided all eligibility requirements are met, such exemption shall be granted only upon application by the owner of such property on a form prescribed by the New York State Board of Real Property Services, to be made available by the Sole Assessor. The application shall be filed with the Sole Assessor on or before the March 1st taxable status date.

**§ 98-18. Exemption percentages.**

The value of an improvement qualifying for an exemption shall receive the following exemption percentages:

Year	Exemption Percentage
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%
9	0%

**§ 98-19. Required construction start date or other time requirements.**

Reconstruction, alteration, or improvement of the property must have begun after the effective date of this Article.

**§ 98-20. Validity.**

The validity of any word, section, clause, paragraph, sentence, part, or provision of this Article shall not affect the validity of any other part of this Article, which can be given effect without such invalid part of parts.

**§ 98-21. Interim suspension of other laws.**

All ordinances, local laws or provisions of the Code of the Town of New Baltimore and any and all parts thereof which may be in conflict with the provisions of this Article are hereby suspended to the extent necessary to give this Article full force and effect during its effective period. This Article is intended to invoke the supersession provisions of Section 10(1)(ii)(d)(3) of the Municipal Home Rule Law and to supersede, during the effective period of this Article any inconsistent provisions of the Town Law, including Article 16 thereof and Sections 276(5), 274-a(8), 267-a(4) through(9) and 274-b(6), and 278 thereof.