

11074

I N A S S E M B L Y

May 13, 2010

Introduced by M. of A. RAIA -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to providing a tax exemption on real property owned by members of volunteer fire companies or voluntary ambulance services in a certain county

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The real property tax law is amended by adding a new  
2 section 466-j to read as follows:  
3 S 466-J. VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS;  
4 EXEMPTION. 1. REAL PROPERTY OWNED BY AN ENROLLED MEMBER OF AN INCORPO-  
5 RATED VOLUNTEER FIRE COMPANY, FIRE DEPARTMENT OR INCORPORATED VOLUNTARY  
6 AMBULANCE SERVICE OR SUCH ENROLLED MEMBER AND SPOUSE RESIDING IN A COUN-  
7 TY WHICH HAS A POPULATION OF MORE THAN ONE MILLION FIVE HUNDRED THOUSAND  
8 AND LESS THAN ONE MILLION SIX HUNDRED THOUSAND PERSONS, ACCORDING TO THE  
9 LATEST FEDERAL DECENNIAL CENSUS AND WHICH IS NOT LOCATED WITHIN A CITY  
10 WITH A POPULATION OF ONE MILLION OR MORE SHALL BE EXEMPT FROM TAXATION  
11 TO THE EXTENT OF TEN PERCENT OF THE ASSESSED VALUE OF SUCH PROPERTY FOR  
12 CITY, VILLAGE, TOWN, PART TOWN, SCHOOL DISTRICT, SPECIAL DISTRICT OR  
13 COUNTY PURPOSES, EXCLUSIVE OF SPECIAL ASSESSMENTS, PROVIDED THAT THE  
14 GOVERNING BODY OF A CITY, VILLAGE, TOWN, SCHOOL DISTRICT OR COUNTY,  
15 AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION  
16 PROVIDING THEREFOR.  
17 2. SUCH EXEMPTION SHALL NOT BE GRANTED TO AN ENROLLED MEMBER OF AN  
18 INCORPORATED VOLUNTEER FIRE COMPANY, FIRE DEPARTMENT OR INCORPORATED  
19 VOLUNTARY AMBULANCE SERVICE RESIDING IN SUCH COUNTY UNLESS:  
20 (A) THE APPLICANT RESIDES IN THE CITY, TOWN OR VILLAGE WHICH IS SERVED  
21 BY SUCH INCORPORATED VOLUNTEER FIRE COMPANY OR FIRE DEPARTMENT OR INCOR-  
22 PORATED VOLUNTARY AMBULANCE SERVICE;  
23 (B) THE PROPERTY IS THE PRIMARY RESIDENCE OF THE APPLICANT;  
24 (C) THE PROPERTY IS USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES;  
25 PROVIDED HOWEVER, THAT IN THE EVENT ANY PORTION OF SUCH PROPERTY IS NOT  
26 USED EXCLUSIVELY FOR THE APPLICANT'S RESIDENCE BUT IS USED FOR OTHER  
27 PURPOSES, SUCH PORTION SHALL BE SUBJECT TO TAXATION AND THE REMAINING

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 PORTION ONLY SHALL BE ENTITLED TO THE EXEMPTION PROVIDED BY THIS  
2 SECTION; AND

3 (D) THE APPLICANT HAS BEEN CERTIFIED BY THE AUTHORITY HAVING JURISDIC-  
4 TION FOR THE INCORPORATED VOLUNTEER FIRE COMPANY OR FIRE DEPARTMENT AS  
5 AN ENROLLED MEMBER OF SUCH INCORPORATED VOLUNTEER FIRE COMPANY OR FIRE  
6 DEPARTMENT FOR AT LEAST FIVE YEARS OR THE APPLICANT HAS BEEN CERTIFIED  
7 BY THE AUTHORITY HAVING JURISDICTION FOR THE INCORPORATED VOLUNTARY  
8 AMBULANCE SERVICE AS AN ENROLLED MEMBER OF SUCH INCORPORATED VOLUNTARY  
9 AMBULANCE SERVICE FOR AT LEAST FIVE YEARS. IT SHALL BE THE DUTY AND  
10 RESPONSIBILITY OF THE MUNICIPALITY WHICH ADOPTS A LOCAL LAW, ORDINANCE  
11 OR RESOLUTION PURSUANT TO THIS SECTION TO DETERMINE THE PROCEDURE FOR  
12 CERTIFICATION.

13 3. ANY ENROLLED MEMBER OF AN INCORPORATED VOLUNTEER FIRE COMPANY, FIRE  
14 DEPARTMENT OR INCORPORATED VOLUNTARY AMBULANCE SERVICE WHO ACCRUES MORE  
15 THAN TWENTY YEARS OF ACTIVE SERVICE AND IS SO CERTIFIED BY THE AUTHORITY  
16 HAVING JURISDICTION FOR THE INCORPORATED VOLUNTEER FIRE COMPANY, FIRE  
17 DEPARTMENT OR INCORPORATED VOLUNTARY AMBULANCE SERVICE, SHALL BE GRANTED  
18 THE TEN PERCENT EXEMPTION AS AUTHORIZED BY THIS SECTION FOR THE REMAIN-  
19 DER OF HIS OR HER LIFE AS LONG AS HIS OR HER PRIMARY RESIDENCE IS  
20 LOCATED WITHIN SUCH COUNTY PROVIDED THAT THE GOVERNING BODY OF A CITY,  
21 VILLAGE, TOWN, SCHOOL DISTRICT OR COUNTY, AFTER A PUBLIC HEARING, ADOPTS  
22 A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THEREFOR.

23 4. APPLICATION FOR SUCH EXEMPTION SHALL BE FILED WITH THE ASSESSOR OR  
24 OTHER AGENCY, DEPARTMENT OR OFFICE DESIGNATED BY THE MUNICIPALITY OFFER-  
25 ING SUCH EXEMPTION ON OR BEFORE THE TAXABLE STATUS DATE ON A FORM AS  
26 PRESCRIBED BY THE STATE BOARD.

27 5. NO APPLICANT WHO IS A VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE  
28 WORKER WHO BY REASON OF SUCH STATUS IS RECEIVING ANY BENEFIT UNDER THE  
29 PROVISIONS OF THIS ARTICLE ON THE EFFECTIVE DATE OF THIS SECTION SHALL  
30 SUFFER ANY DIMINUTION OF SUCH BENEFIT BECAUSE OF THE PROVISIONS OF THIS  
31 SECTION.

32 S 2. This act shall take effect on the first of January next succeed-  
33 ing the date on which it shall have become a law and shall apply to  
34 assessment rolls prepared on the basis of taxable status dates occurring  
35 on or after such date.