S T A T E O F N E W Y O R K

5755

2009-2010 Regular Sessions

I N S E N A T E

June 3, 2009

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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 certain counties and municipal corporations therein

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

Section 1. The real property tax law is amended by adding a new section 466-j to read as follows:

S 466-J. VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS; CERTAIN COUNTIES. 1. 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 RESIDING IN ANY COUNTY HAVING A POPULATION OF MORE THAN ONE HUNDRED FIFTY THOUSAND BUT LESS THAN ONE HUNDRED FIFTY-FIVE THOUSAND AS DETERMINED IN ACCORDANCE WITH THE LATEST DECENNIAL CENSUS, SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF TEN PERCENT OF THE ASSESSED VALUE OF SUCH PROPERTY FOR CITY, VILLAGE, TOWN, PART TOWN, SCHOOL DISTRICT, SPECIAL DISTRICT, OR COUNTY PURPOSES, EXCLUSIVE OF SPECIAL ASSESSMENTS, PROVIDED THAT THE GOVERNING BODY OF A CITY, VILLAGE, TOWN, SCHOOL DISTRICT, OR COUNTY, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THEREFOR, PROVIDED FURTHER, HOWEVER, THAT SUCH EXEMPTION SHALL IN NO EVENT EXCEED THREE THOUSAND DOLLARS MULTIPLIED BY THE LATEST STATE EQUALIZATION RATE FOR THE ASSESSING UNIT IN WHICH SUCH REAL PROPERTY IS LOCATED.

2. SUCH EXEMPTION SHALL NOT BE GRANTED TO AN ENROLLED MEMBER OF AN INCORPORATED VOLUNTEER FIRE COMPANY, FIRE DEPARTMENT OR INCORPORATED VOLUNTARY AMBULANCE SERVICE RESIDING IN SUCH COUNTY UNLESS:

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

LBD06956-01-9

(A) THE APPLICANT RESIDES IN THE CITY, TOWN, OR VILLAGE WHICH IS SERVED BY SUCH INCORPORATED VOLUNTEER FIRE COMPANY OR FIRE DEPARTMENT OR INCORPORATED VOLUNTARY AMBULANCE SERVICE;

(B) THE PROPERTY IS THE PRIMARY RESIDENCE OF THE APPLICANT;

(C) THE 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 SECTION; AND

(D) THE APPLICANT HAS BEEN CERTIFIED BY THE AUTHORITY HAVING JURISDICTION FOR THE INCORPORATED VOLUNTEER FIRE COMPANY OR FIRE DEPARTMENT AS AN ENROLLED MEMBER OF SUCH INCORPORATED VOLUNTEER FIRE COMPANY OR FIRE DEPARTMENT FOR AT LEAST FIVE 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 FIVE YEARS. IT SHALL BE THE DUTY AND RESPONSIBILITY OF THE MUNICIPALITY WHICH ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PURSUANT TO THIS SECTION TO DETERMINE THE PROCEDURE FOR CERTIFICATION.

3. ANY ENROLLED MEMBER OF AN INCORPORATED VOLUNTEER FIRE COMPANY, FIRE DEPARTMENT OR INCORPORATED VOLUNTARY AMBULANCE SERVICE WHO ACCRUES MORE THAN TWENTY YEARS OF ACTIVE SERVICE AND 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 PERCENT EXEMPTION AS AUTHORIZED BY THIS SECTION FOR THE REMAINDER OF HIS OR HER LIFE AS LONG AS HIS OR HER PRIMARY RESIDENCE IS LOCATED WITHIN SUCH COUNTY PROVIDED THAT THE GOVERNING BODY OF A CITY, VILLAGE, TOWN, SCHOOL DISTRICT, OR COUNTY, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THEREFOR.

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

5. 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 THIS ARTICLE ON THE EFFECTIVE DATE OF THIS SECTION SHALL SUFFER ANY DIMINUTION OF SUCH BENEFIT BECAUSE OF THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to taxable status dates occurring on or after such date.