

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. ROBACH -- 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 and volunteer 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-k to read as follows:  
3     S 466-K. VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS;  
4     CERTAIN COUNTY. 1. REAL PROPERTY OWNED BY AN ENROLLED MEMBER OF AN  
5     INCORPORATED VOLUNTEER FIRE COMPANY, FIRE DEPARTMENT OR INCORPORATED  
6     VOLUNTARY AMBULANCE SERVICE OR SUCH ENROLLED MEMBER AND SPOUSE RESIDING  
7     IN ANY COUNTY HAVING A POPULATION OF MORE THAN SEVEN HUNDRED THIRTY-FOUR  
8     THOUSAND INHABITANTS BUT LESS THAN SEVEN HUNDRED THIRTY-SIX THOUSAND  
9     INHABITANTS, DETERMINED IN ACCORDANCE WITH THE LATEST DECENNIAL FEDERAL  
10    CENSUS, SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF TEN PERCENT OF  
11    THE ASSESSED VALUE OF SUCH PROPERTY FOR CITY, VILLAGE, TOWN, PART TOWN,  
12    SPECIAL DISTRICT OR COUNTY PURPOSES, EXCLUSIVE OF SPECIAL ASSESSMENTS,  
13    PROVIDED THAT THE GOVERNING BODY OF A CITY, VILLAGE, TOWN OR COUNTY,  
14    AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION  
15    PROVIDING THEREFOR; PROVIDED FURTHER, HOWEVER, THAT SUCH EXEMPTION SHALL  
16    IN NO EVENT EXCEED THREE THOUSAND DOLLARS MULTIPLIED BY THE LATEST STATE  
17    EQUALIZATION RATE FOR THE ASSESSING UNIT IN WHICH SUCH REAL PROPERTY IS  
18    LOCATED.  
19    2. SUCH EXEMPTION SHALL NOT BE GRANTED TO AN ENROLLED MEMBER OF AN  
20    INCORPORATED VOLUNTEER FIRE COMPANY, FIRE DEPARTMENT OR INCORPORATED  
21    VOLUNTARY AMBULANCE SERVICE RESIDING IN SUCH COUNTY UNLESS:

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

LBD01928-01-1

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

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

5 (C) THE PROPERTY IS USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES;  
6 PROVIDED HOWEVER, THAT IN THE EVENT ANY PORTION OF SUCH PROPERTY IS NOT  
7 USED EXCLUSIVELY FOR THE APPLICANT'S RESIDENCE BUT IS USED FOR OTHER  
8 PURPOSES, SUCH PORTION SHALL BE SUBJECT TO TAXATION AND THE REMAINING  
9 PORTION ONLY SHALL BE ENTITLED TO THE EXEMPTION PROVIDED BY THIS  
10 SECTION; AND

11 (D) THE APPLICANT HAS BEEN CERTIFIED BY THE AUTHORITY HAVING JURISDIC-  
12 TION FOR THE INCORPORATED VOLUNTEER FIRE COMPANY OR FIRE DEPARTMENT AS  
13 AN ENROLLED MEMBER OF SUCH INCORPORATED VOLUNTEER FIRE COMPANY OR FIRE  
14 DEPARTMENT FOR AT LEAST FIVE YEARS OR THE APPLICANT HAS BEEN CERTIFIED  
15 BY THE AUTHORITY HAVING JURISDICTION FOR THE INCORPORATED VOLUNTARY  
16 AMBULANCE SERVICE AS AN ENROLLED MEMBER OF SUCH INCORPORATED VOLUNTARY  
17 AMBULANCE SERVICE FOR AT LEAST FIVE YEARS. IT SHALL BE THE DUTY AND  
18 RESPONSIBILITY OF THE MUNICIPALITY WHICH ADOPTS A LOCAL LAW, ORDINANCE  
19 OR RESOLUTION PURSUANT TO THIS SECTION TO DETERMINE THE PROCEDURE FOR  
20 CERTIFICATION.

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

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

35 5. NO APPLICANT WHO IS A VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE  
36 WORKER WHO BY REASON OF SUCH STATUS IS RECEIVING ANY BENEFIT UNDER THE  
37 PROVISIONS OF THIS ARTICLE ON THE EFFECTIVE DATE OF THIS SECTION SHALL  
38 SUFFER ANY DIMINUTION OF SUCH BENEFIT BECAUSE OF THE PROVISIONS OF THIS  
39 SECTION.

40 S 2. This act shall take effect on the first of January next succeed-  
41 ing the date on which it shall have become a law and shall apply to  
42 taxable status dates occurring on or after such effective date.