

STATE OF NEW YORK

4970

2023-2024 Regular Sessions

IN ASSEMBLY

February 27, 2023

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

AN ACT to amend the real property tax law, in relation to authorizing certain exemptions from school district real property taxes for volunteer firefighters

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 466-1 to read as follows:

3 § 466-1. Volunteer firefighters; alternative exemption. 1. Real prop-
4 erty owned by an enrolled member of an incorporated volunteer fire
5 company or fire department or such enrolled member and spouse shall be
6 exempt from taxation of such property for school district purposes,
7 exclusive of special assessments, provided that the governing body of a
8 school district, after a public hearing, adopts a local law, ordinance
9 or resolution providing therefor; provided further, however, that such
10 exemption shall in no event exceed twelve thousand dollars multiplied by
11 the latest state equalization rate for the assessing unit in which such
12 real property is located.

13 2. Such exemption shall not be granted to an enrolled member of an
14 incorporated volunteer fire company or fire department residing in such
15 school district unless:

16 (a) the applicant resides in the school district which is served by
17 such incorporated volunteer fire company or fire department;

18 (b) the property is the primary residence of the applicant;

19 (c) the property is used exclusively for residential purposes;
20 provided, however, that in the event any portion of such property is not
21 used exclusively for the applicant's residence but is used for other
22 purposes, such portion shall be subject to taxation and the remaining
23 portion only shall be entitled to the exemption provided by this
24 section; and

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

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1 (d) the applicant has been certified by the authority having jurisdic-
2 tion for the incorporated volunteer fire company or fire department as
3 an enrolled member of such incorporated volunteer fire company or fire
4 department for at least five years. It shall be the duty and responsi-
5 bility of the school district which adopts a local law, ordinance or
6 resolution pursuant to this section to determine the procedure for
7 certification.

8 3. Any enrolled member of an incorporated volunteer fire company or
9 fire department who accrues more than twenty years of active service and
10 is so certified by the authority having jurisdiction for the incorpo-
11 rated volunteer fire company or fire department shall be granted the
12 exemption as authorized by this section for the remainder of his or her
13 life as long as his or her primary residence is located within such
14 school district provided that the governing body of such school
15 district, after a public hearing, adopts a local law, ordinance or
16 resolution providing therefor.

17 4. Application for such exemption shall be filed with the assessor or
18 other agency, department or office designated by the school district
19 offering such exemption on or before the taxable status date on a form
20 prescribed by the commissioner.

21 5. No applicant who is a volunteer firefighter who by reason of such
22 status is receiving any benefit under the provisions of this article on
23 the effective date of this section shall suffer any diminution of such
24 benefit due to the receipt of a tax exemption provided pursuant to the
25 provisions of this section.

26 § 2. This act shall take effect immediately.