

SECTION 1. PURPOSE

It is the purpose of this local law to:

- (a) provide an increase in a limited exemption from certain town real property taxes relative to qualified residential real property of qualified owners, including, but not limited to, veterans who rendered military service to the United States of America during the cold war, pursuant to section 458-b of the New York Real Property Tax Law, such limited exemption having been provided pursuant to the enactment of East Greenbush town local law no. 4 of 2008; and
- (b) to establish maximum exemption amounts thereunder.

SECTION 2. REPEAL

East Greenbush town local law no. 4 of 2008 is hereby repealed.

SECTION 3. DEFINITIONS

As used in this local law:

- (a) "Cold War Veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, and was discharged or released therefrom under honorable conditions.
- (b) "Armed Forces" means the United States army, navy, marine corps, air force, and coast guard.
- (c) "Active Duty" means full-time duty in the United States armed forces, other than active duty for training.
- (d) "Service Connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the line of duty on active military, naval, or air service.
- (e) "Qualified Owner" means a Cold War Veteran, the spouse of a Cold War Veteran, or the un-remarried surviving spouse of a deceased Cold War Veteran. Where Qualified Residential Real Property is owned by more than one Qualified Owner, the exemption to which each is entitled may be combined. Where a Cold War Veteran is also the un-remarried surviving spouse of a Cold War Veteran, such person may also receive any exemption to which the deceased spouse was entitled.

- (f) “Qualified Residential Real Property” means property owned by a Qualified Owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but it is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War Veteran or the un-remarried surviving spouse of a Cold War Veteran, unless the Cold War Veteran or un-remarried surviving spouse is absent from the property due to medical reasons or institutionalization.
- (g) “Latest State Equalization Rate” means the latest final equalization rate established by the New York state commissioner of taxation and finance pursuant to article twelve of the New York Real Property Tax Law.

SECTION 4. EXEMPTION

- (a) Qualified Residential Real Property shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided however, that such exemption shall not exceed thirty thousand dollars or the product of thirty thousand dollars multiplied by the Latest State Equalization Rate of the assessing unit, whichever is less.
- (b) In addition to the exemption provided by subsection (a) hereof, where the Cold War Veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service-connected disability, Qualified Residential Real Property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War Veteran disability rating; provided, however, that such exemption shall not exceed one hundred fifty thousand dollars, or the product of one hundred fifty thousand dollars multiplied by the Latest State Equalization Rate for the assessing unit, whichever is less.
- (c) Limitations.
 - (i) The exemption from taxation, as provided by this local law, shall be applicable to town taxation (i.e., general and highway town tax levies), only.
 - (ii) If a Cold War Veteran receives the exemption under section four hundred fifty-eight or four hundred fifty-eight-a of the New York Real Property Tax Law, the Cold War Veteran shall not be eligible to receive the exemption under this local law.
 - (iii) Pursuant to the provisions of subparagraph (iii) of paragraph (c) of subsection 2 of section four hundred fifty-eight-b of the New York Real Property Tax Law, the exemption provided hereunder shall apply to Qualified Owners of

Qualified Residential Real Property for as long as they remain Qualified Owners of Qualified Residential Real Property.

SECTION 5. APPLICATION PROCESS

- (a) Application for exemption shall be made by the Qualified Owner, or all of the Qualified Owners, of the Qualified Residential Real Property on a form prescribed by the New York state commissioner of taxation and finance. The Qualified Owner(s) shall file the completed form in the assessor's office on or before the first appropriate taxable status date.
- (b) The exemption shall continue in full force and effect for all appropriate subsequent tax years and the Qualified Owner(s) of the Qualified Residential Real Property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the amount of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption.
- (c) Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the New York Penal Law.

SECTION 6. EFFECTIVE DATE

This local law shall be effective immediately and shall affect applicable town taxes levied in the 2020 fiscal year and thereafter.