

LOCAL LAW NO. 1 OF 2024

A LOCAL LAW amending Chapter 168 (Taxation) of the Village Code is amended to add a new Article VII establishing a tax exemption for income eligible senior citizens.”

BE IT ENACTED by the Board of Trustees of the Village of Quogue as follows:

SECTION 1. Legislative Intent. Section 467 of the New York State Real Property Law authorizes the Village to provide for certain tax exemptions for income eligible senior citizens. The income levels for eligibility under the New York State Law were increased by the New York State Legislature and signed into law by the Governor on August 8, 2022 as Chapter 488 of the Laws of 2022. The Town Board of the Town of Southampton by Local Law 7 of 2023 amended the Town Code to increase the income eligibility consistent with the State Law. The Town Assessor is the assessing authority for the Village of Quogue. While the Town has an exemption for senior citizens, the Village Code currently does not provide an exemption for citizen citizens. The intent of this local law is to amend the Village Code to establish a tax exemption for income eligible senior citizens who reside in the Village of Quogue consistent with the State and Town Code.

SECTION 2. Amendment. Chapter 168 (Taxation) of the Village Code is amended to add a new Article VII, Sections 168-38 through 168-44 as follows:

ARTICLE VIII EXEMPTION FOR SENIOR CITIZENS

§168-38. Exemption granted.

A. Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation by the Village of Quogue to the extent of 50% based upon an annual income of no more than \$50,000 and thereafter at the percentage of assessed valuation thereof as determined by the following schedule pursuant to the provisions of § 467 of the Real Property Tax Law, as amended.

Annual Income	Percentage of Assessed Valuation Exempt From Taxation
Up to \$50,000	50%
\$50,001 up to \$51,000	45%

Annual Income	Percentage of Assessed Valuation Exempt From Taxation
\$51,001 up to \$52,000	40%
\$52,001 up to \$53,000	35%
\$53,001 up to \$53,900	30%
\$53,901 up to \$54,800	25%
\$54,801 up to \$55,700	20%
\$55,701 up to \$56,500	15%
\$56,601 up to \$57,500	10%
\$57,501 up to \$58,400	5%

B. Any exemption provided by this section shall be computed after all partial exemptions allowed by law have been substituted from the total amount assessed.

C. The real property tax exemption on real property owned by husband and wife, one of whom is 65 years of age or over, once granted shall not be rescinded solely because of the death of the older spouse, so long as the surviving spouse is at least 62 years of age.

D. The Village of Quogue hereby ratifies and reaffirms all previous resolutions, rules, regulations and/or ordinances adopted in accordance with Real Property Tax Law § 467, with respect to the income limitations for qualification for the exemption.

§168-39. School exemptions. Exemption from taxation for school purposes shall not be granted in the case of real property where a child resides if such child attends a public school within the school district.

§168-40. Reasons for not granting exemption.

A. No exemption shall be granted if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption is \$58,400 or more as may be provided by §168-38A of this chapter. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion or wear and tear of real or personal property held for the production of income.

B. No exemption shall be granted unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 24 consecutive months prior to the date of making application for exemption; provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor, and such ownership shall be deemed continuous for the purposes of computing such period of 24 consecutive months. In the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse, and such ownership shall be deemed continuous for the purposes of computing such period of 24 consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption, and such periods of ownership shall be deemed to be consecutive for purposes of this section. Where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which, as of the date of transfer, was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within nine months of the date of transfer shall be deemed to satisfy the requirement of this subsection that the title of the property shall have been vested in the owner or one of the owners for such a period of 24 consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property which as of the date of such death was exempt from taxation under such provisions becomes vested, by virtue of devise or descent from the deceased owner or owners or by transfer by any other means within nine months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this subsection that the title

of the property shall have been vested in the owner or one of the owners for such period of 24 consecutive months shall be deemed satisfied.

C. No exemption shall be granted unless the property is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not so used exclusively for residential purposes 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.

D. No exemption shall be granted unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property, provided that an owner who is absent while receiving health-related care as an inpatient of a residential health-care facility, as defined in §2801 of the Public Health Law, shall be deemed to remain a legal resident and an occupant of the property while so confined, and income accruing to that person shall be income only to the extent that it exceeds the amount paid by such owner, spouse or co-owner for care in the facility, and provided further that during such confinement such property is not occupied by other than the spouse or co-owner of such owner.

§168-41. Application for exemption. Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed by the State Board, to be furnished by the appropriate assessing authority, and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in the office of the assessing authority on or before the taxable status date. Any person otherwise qualifying under this section shall not be denied the exemption under this section if he becomes 65 years of age after the appropriate taxable status date and before December 31 of the same year.

§168-42. Renewal.

A. At least 60 days prior to the appropriate taxable status date, the assessing authority shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to be granted. The assessing authority shall, within three days of the completion and filing of the tentative assessment roll, notify by mail any applicant who has included with his application at least one self-addressed, prepaid envelope, of the approval or denial of the application; provided, however, that the assessing authority shall, upon the receipt and filing of the application, send by mail notification of receipt to any applicant who has included two of such envelopes with the application. Where an applicant is entitled to a notice of denial pursuant to this subsection, such notice shall be on a form prescribed by the State Board.

B. Any person who has been granted exemption pursuant to this section of five consecutive completed assessment rolls shall not be subject to the requirements set forth in Subsection A of this section. However, said person shall be mailed an application form and a notice informing him of his rights. Such exemption shall be automatically granted on each subsequent assessment roll; provided, however, that when tax payment is made by such person a sworn affidavit must be included with such which shall state that such person continues to be eligible for such exemption.

Such affidavit shall be on a form prescribed by the State Board. If such affidavit is not included with the tax payment, the collecting officer shall proceed pursuant to §551 of the Real Property Tax Law.

C. Notwithstanding any provision of law to the contrary, where a renewal application for the exemption authorized by this section has not been filed on or before the taxable status date, and the owner or owners believe that good cause exists for the failure to file the renewal application by said date, the owner or owners may, no later than the last day for paying taxes without incurring interest or penalty, submit a written request to the assessing authority asking her or him to extend the filing deadline and grant the exemption. Such request shall contain an explanation of why the deadline was missed and shall be accompanied by a renewal application reflecting the facts and circumstances as they existed on the taxable status date. The assessing authority may extend the filing deadline and grant the exemption if she or he is satisfied that good cause existed for the failure to file the renewal application by the taxable status date, and the applicant is otherwise entitled to the exemption. The assessing authority shall mail notice of her or his determination to the owner/owners. If the determination states that the assessing authority has granted the exemption, she or he shall thereupon be authorized and directed to correct the assessment roll accordingly or, if another person has custody or control of the assessment roll, to direct that person to make the appropriate corrections. If the correction is not made before taxes are levied, the failure to take the exemption into account in the computation of the tax roll shall be deemed a "clerical error" pursuant to Real Property Tax Law §467 and shall be corrected accordingly.

§168-43. Penalties for offenses. Any conviction of having made any willful false statement in the application for such exemption shall be punishable by a fine of not more than \$100 and shall disqualify the applicant or applicants from further exemption for a period of five years.

§168-44. When effective. With respect to the Village assessment roll based on the taxable status date of January 1, 2024, application for the exemption provided for in §168-38 may be filed after the taxable status date of January 1, 2024, provided that such application is filed on or before January 31, 2024.

SECTION 3. Authority. The proposed local law is enacted pursuant to §467(3)(a) of the NYS Real Property Tax Law and the Municipal Home Rule Law §10(1)(ii)(a)(8), §10(1)(ii)(e)(1) and §10(2).

SECTION 4. Severability. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.