

VILLAGE OF VICTORY
NOTICE OF
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village Board of Trustees of the Village of Victory, Saratoga County, New York at the Village Office in the Village of Victory on the 2nd day of April, 1985 at 7:00 P.M. in the matter of a proposed local law entitled "Alternative Veterans Exemption - Reduction of Maximum Exemption." In general this proposed law would reduce the maximum veterans exemption allowable pursuant to Section 458-a of the Real Property Tax Law of New York.

NOTICE IS GIVEN FURTHER that at the public hearing above mentioned all interested persons will be heard. A copy of the proposed local law is available for inspection and distribution at the Office of the Village Clerk of the Village of Victory and may be distributed and read by any person interested therein.

Dated: March 25, 1985

JEAN NOLAN
VILLAGE CLERK
VILLAGE OF VICTORY

LOCAL LAW
ALTERNATIVE VETERANS EXEMPTION
REDUCTION OF MAXIMUM EXEMPTION

Local Law for the Village of Victory
Local Law No. 1 of the year .

A local law in relation to the maximum exemption for the alternative veterans exemption from real property taxation.

Be it enacted by the Village Board of Trustees of Victory as follows:

Section 1. The purpose of this law is to reduce the maximum veterans exemption allowable pursuant to section 458-a of the Real Property Tax Law of the State of New York.

Section 2.

(a) Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of six thousand dollars or the product of six thousand dollars multiplied by the latest state equalization rate of the Village of Victory.

(b) In addition to the exemption provided by paragraph (a) of this subdivision, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also 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 the lesser of four thousand dollars or the product of four thousand dollars multiplied by the latest state equalization rate of the Village of Victory.

(c) In addition to the exemptions provided by paragraphs (a) and (b) of this subdivision, where the veteran received a compensation rating from the United States veteran's administration because of a service connected disability, qualifying 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 veteran's disability rating; provided, however, that such exemption shall not exceed the lesser of twenty-thousand dollars or the product of twenty thousand dollars multiplied by the latest state equalization rate for the Village of Victory.

Section 3. This local law shall take effect immediately upon its filing with the Secretary of State.



DAVID GASKELL
EXECUTIVE DIRECTOR

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF EQUALIZATION AND ASSESSMENT

AGENCY BUILDING #4-EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

August 31, 1984

TO: Clerks, County Legislative Bodies; County Directors of Real Property Tax Services; City Mayors and Assessors; Town Supervisors; Appointed Assessors; Chairmen, Boards of Assessors; Village Clerks and Assessors

FROM: David Gaskell.

SUBJECT: Veterans' Real Property Tax Exemptions; Chapter 525, Laws of 1984

The veterans' real property tax exemption (Real Property Tax Law, Section 458) has long provided a partial exemption where property owned by a veteran or certain other persons designated in the statute has been purchased with pension, bonus or insurance monies, referred to as eligible funds. This exemption generally has a \$5,000 maximum and is applicable to general municipal taxes, but not school taxes or special district levies.

Chapter 525 of the Laws of 1984 amends the Real Property Tax Law and provides an alternative veterans' exemption. The purpose of this memorandum is to explain the new law and point out the various options the law provides to municipal corporations and veterans.

ALTERNATIVE VETERANS' EXEMPTION

The alternative veterans' exemption is based on a percentage of assessed value with certain maximum levels of exemption. This exemption is limited to the primary residence of a veteran and is available to honorably discharged veterans (or certain of their family members) who served during the Spanish-American War, the Mexican Border period, World War I, World War II, the Korean War, or the Vietnam War period.

Choices Available to You Under the New Law

Each county, city, town and village (eligible municipality) has a choice to make with respect to granting the new alternative veterans' exemption.

Choice #1: Granting the New Exemption. If the eligible municipality decides it wants to grant this new exemption, no action is required. The new exemption becomes available on assessment rolls prepared on the basis of taxable status dates occurring on or after March 31, 1985.

Where an eligible municipality grants the new alternative veterans' exemption, no new exemptions pursuant to the existing eligible funds or pro rata programs may be granted on assessment rolls based on taxable status dates occurring on or after March 2, 1986. Up to that time, in such eligible municipalities, veterans with new eligible funds can choose either type of veterans' exemption.

Choice #2: Retain the Existing Veterans' Exemption Program. If this is your choice, you must act soon and it will involve passing a local law 90 days prior to the first taxable status date occurring on or after December 31, 1984. For most towns who have a May 1 taxable status date, the local law must be passed prior to January 31, 1985. For cities and villages with a January 1, 1985 taxable status date, the local law must be passed by October 2, 1984. For counties, the controlling date is the first occurring taxable status date for any city or town within the county. Therefore, some counties must act by October 2, 1984.

Explanation of Alternative Veterans' Exemption

The following provides highlights of the new exemption program that you should read and consider before making one of the two previous choices. Like the existing veterans' exemption program, the new exemption is applicable to county, city, town and village taxes but not to school taxes or special district levies. A qualifying veteran automatically receives an exemption of 15% of the assessed value. An additional 10% exemption is available where the veteran can document service in a combat theater or zone. Both of these exemptions run for a 10-year period.

There is also an additional exemption where a veteran has received a service connected disability compensation rating from the Veterans' Administration. The percentage for this exemption is equal to 50% of the disability rating. There is no time limit on the duration of this disability exemption.

Maximum Levels of Exemption

Each county, city, town and village has the additional option of using the maximum set of exemptions for the three categories of exemptions or passing a local law to use either of two lower sets of exemptions. The exemptions are:

	<u>Statutory Maximum</u>	<u>Reduced Maximums Pursuant to Local Law</u>	
War Veteran	\$12,000	\$ 9,000	\$ 6,000
Combat Zone Veteran	8,000	6,000	4,000
Disabled Veteran	40,000	30,000	20,000

The maximum amounts must be multiplied by the latest equalization rate if the equalization rate is 100 or less for the assessing unit in order to arrive at the appropriate maximum for each assessment roll.

Attached to this memo are examples of combinations of exemptions and exemption limits. They show how the exemptions are derived.

Veterans Also Have Some Choices to Make Independent of the Municipality

Veterans also have a choice to make if the municipality grants the alternative veterans' exemption program.

Grandfather Provision

Even if a municipality chooses to grant the alternative veterans' exemption, a property owner receiving an exemption under the existing program may continue to receive such exemption on that property. If the individual veteran who is now receiving that exemption does not file a new application, he will continue to receive his exemption under the existing program.

Options for Veterans to Receive Alternative Exemption

In an eligible municipality granting the alternative veterans' exemption, a qualified veteran now receiving an eligible funds exemption may select to switch to the alternative exemption. Once that switch is made, the veteran cannot reverse the action unless the veteran moves to an eligible municipality that does not grant the alternative exemption.

A Veteran Moving to a New Property

A veteran moving to another residence in the same assessing unit can transfer his exemption and, in the case of the new alternative exemption, the exemption would remain in effect for the number of years left of the 10-year eligibility period. The exemption received by a veteran moving to another assessing unit will depend on the municipal option chosen.

AMENDMENTS TO EXISTING VETERANS' EXEMPTION

Pro Rata Exemption

Chapter 525 eliminates the distinction between court-ordered and voluntary full value revaluation municipalities and makes the provisions of that sub-division permanent. The new law gives tax districts which have had recent full

value revaluations (either court-ordered or voluntary), the option to adopt a local law on or before August 30, 1985 to grant pro rata veterans' exemptions. The issue of which full value revaluation may be subject to the granting of pro rata exemptions is currently in litigation before the Court of Appeals. For further information you may contact the Office of Legal Services at (518) 474-8821.

A veteran who has received a pro rata exemption on one parcel, and who sells that property and acquires another parcel within the same assessing unit, is entitled to receive a pro rata exemption on the replacement parcel, not to exceed the dollar amount of exemption he received on his former parcel.

EFFECTIVE DATE

In general, chapter 525 of the Laws of 1984 takes effect August 30, 1984. However, the provision authorizing eligible municipalities to opt out of the new exemption took effect July 27, 1984, while the remaining subdivisions of section 458-a take effect December 31, 1984. New section 458-a applies to assessment rolls prepared on the basis of taxable status dates occurring on or after March 31, 1985.

The State Board will distribute further information regarding chapter 525, including how to calculate the ten-year period of eligibility for the basic and war zone alternative veterans' exemption. Model local laws have been drafted on the various local options and are available on request. Questions regarding the new law may be made to the Office of Legal Services at (518) 474-8821.

Attachment

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 § 37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on general 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

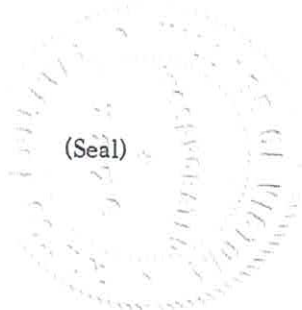
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Jean E. Nolan

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 6/4/85



(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

.....
Signature

.....
Title

Date: 6/4/85

County
City of
Town
Village