

Local Law Filing

New York State Department of State

41 State Street, Albany, NY, 12231

Town of DeKalb

Local Law No. 1 of the year 2011

**A Local Law Rural Property Tax Exemption for Capital Improvements
for One-and Two-Family Dwellings**

Be it enacted by the Town Board of the Town of DeKalb as follows:

SECTION 1. INTENT.

The intent of this article is to encourage property owners to make improvements to one- and two-family residential housing, thereby improving the quality of housing in the community, and preserving and expanding the tax base of the Town of DeKalb.

SECTION 2. ELIGIBILITY AND AMOUNT OF EXEMPTION.

In accordance with §421-f of the New York State Real Property Tax Law, and subject to meeting the requirements of this article, reconstructions, alterations, expansions or improvements to one- and two-family residential buildings having a cost of no less than \$3000.00 and occurring subsequent to the effective date of this article that result in an increase in assessed valuation shall be, upon application, eligible for an exemption of Town of DeKalb property taxes per the terms of this article, such abatement not to exceed \$50,000.00. This exemption applies to taxes and special ad valorem levies; the exemption does not apply to special assessments.

SECTION 3. DEFINITIONS.

As used in this article, the following terms shall have the meanings indicated:

A. Reconstruction, Alteration, Expansion and Improvement. Such activities shall not include ordinary maintenance and repairs. It shall also not apply to construction or alteration/repairs to swimming pools.

B. Residential Building. Any building or structure designed and occupied exclusively for residential purposes by not more than two families.

SECTION 4. EXEMPTION GRANTED.

The improvements to one- and two-family residential buildings reconstructed, altered or improved for residential purposes subsequent to the effective date of this article shall be exempt from taxation to the extent provided hereinafter.

SECTION 5. CALCULATION OF EXEMPTION.

A. One- and two-family residential buildings reconstructed, altered or improved for residential purposes subsequent to the effective date of this article shall be exempt for a period of one year to the extent of 100% of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement, and for an additional period of seven (7) years, subject to the following:

(1) The extent of such exemption shall be decreased by 12.5% of the initial exemption each year during said additional seven (7) year period; and

(2) Such exemption shall be limited to a maximum of \$50,000.00 in increased market value of the property attributable to such reconstruction, alteration or improvement, and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this article.

B. For purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the then most recently established State equalization rate. However, where the then most recently established State equalization rate equals or exceeds 95%, the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

SECTION 6. REQUIREMENTS FOR OBTAINING EXEMPTION.

A. No exemption shall be granted for reconstruction, alterations or improvements unless:

(1) Such reconstruction, alteration or improvement was commenced subsequent to the effective date of this article; and

(2) The value, or cost, of such reconstruction, alteration or improvement exceeds \$3,000.00; and

(3) The greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old; and

(4) Building permit(s) are obtained in accordance with Local Law.

B. The exemption shall be granted only upon application by the owner of such residential building on a form prescribed by the New York State Board of Real Property Services. The application shall be filed with the Assessor having the power to assess property in the Town of DeKalb for taxation, with such filing to be received in the office of said Assessor on or before the taxable status date for the Town of DeKalb. A certificate of compliance or a certificate of occupancy issued in connection with the reconstruction, alteration or improvement must be submitted with the application.

C. If the Assessor is satisfied that an applicant is entitled to an exemption under the provisions of this article, the Assessor shall approve the application, and such residential building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the next assessment roll. The assessed value of any exemption granted pursuant to this article shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

SECTION 7. CESSATION OF EXEMPTION.

An exemption granted pursuant to this article shall cease in the event that a building granted an exemption pursuant to this article cease to be used primarily for residential purposes, or in the event that title thereto is transferred to other than the heirs or distributees of the owner. Properties currently receiving an exemption or abatement under other sections of the Real Property Tax Law (such as §485-e) shall be unhindered by any exemption granted under this article.

SECTION 8. SEVERABILITY, FILING AND DATE EFFECTIVE.

A. If any section or subsection, paragraph, clause, phrase or provision of this article shall be adjudged invalid or held unconstitutional, the remaining portion(s) of this article shall remain and operate as if that section, subsection, paragraph, clause, phrase or provision did not exist.

B. A certified copy of this article shall be filed with the New York State Board of Real Property Services, and with any Assessor who prepares the assessment roll on which the taxes of the Town of DeKalb are levied.

C. This Local Law shall become effective upon the date it is filed with the New York State Secretary of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 1 of 2011, of the Town of DeKalb was duly passed by the Town Board on March 16, 2011, in accordance with the applicable provisions of law.



Trudy Denesha, Clerk
Town of DeKalb

(Seal)

Date: 3-17-11

STATE OF NEW YORK)
) ss.:
COUNTY OF ST. LAWRENCE)

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.



Charles B. Nash, Esq.
Town Attorney
Town of DeKalb

Date: 3/17/11