

Article VI: Cold War Veterans Exemption

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Chapter 110: Taxation Article VI Cold War Veterans Exemption

§ 110-23 **Definitions.**

§ 110-24 **Purpose.**

§ 110-25 **Exemption.**

§ 110-26 **Exception.**

§ 110-27 **Duration.**

§ 110-28 **Application.**

§ 110-29 **Effective date.**

§ 110-23**Definitions.**

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

ACTIVE DUTY

Full-time duty in the United States Armed Forces, other than active duty for training.

ARMED FORCES

The United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

COLD WAR VETERAN

A person, male or female, who served on active duty in the United States armed forces, during the time period from September 2, 1945, to December 26, 1991, and was discharged or released therefrom under honorable conditions.

LATEST CLASS RATIO

The latest final class ratio established by the State Board pursuant to Title One of Article 12 of the New York Real Property Law for use in a special assessing unit as defined in § 1801 of the New York Real Property Tax Law.

LATEST STATE EQUALIZATION RATE

The latest final equalization rate established by the State Board pursuant to Article 12 of the New York Real Property Tax Law.

QUALIFIED OWNER

A Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

QUALIFIED RESIDENTIAL REAL PROPERTY

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 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 unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

SERVICE CONNECTED

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.

§ 110-24 Purpose.

The purpose of this article is to grant a partial exemption from real property taxation to the extent of 15% of the assessed value up to \$12,000 of assessed value of qualified residential real property which is owned by a Cold War veteran who is a qualified owner, or in the case of a Cold War veteran who is a qualified owner and received a compensation rating from the United States Veterans Administration or from the United States Department of Defense because of a service-related disability, to the extent of the product of the assessed value of such qualified residential real property multiplied by 50% of the Cold War veteran's disability rating up to an assessed valuation of \$40,000 of assessed value, in accordance with the requirements of § 458-b of the Real Property Tax Law.

§ 110-25 Exemption.

Qualified residential real property owned by qualified owners who are Cold War veterans shall be exempt from Town of Ballston real property taxes to the extent as follows:

A. To the extent of 15% of the assessed value of such qualified residential real property; provided, however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate of the assessing unit, whichever is less;

B. In addition to the exemption provided by Subsection **A** of this section, where the Cold War veteran received a compensation rating from the United States Veterans Administration or from the United States Department of Defense because of a service-related disability; provided, however, that such exemption shall not exceed \$40,000 or the product of \$40,000 multiplied by the latest state equalization rate, whichever is less.

§ 110-26 Exception.

If a Cold War veteran has a real property tax exemption under § 458 or § 458-a of the Real Property Tax Law, such veteran shall not be eligible to receive this exemption.

§ 110-27 Duration.

The exemption provided herein shall be granted for a period of 10 years, the commencement of which is as follows:

A. Where a qualified owner owns qualifying residential real property at the effective date of this article, the ten-year period shall be measured from the date of the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this article.

B. Where a qualified owner does not own qualifying residential property on the effective date of this article, such ten-year period shall be measured from the date of the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of the qualifying residential real property.

C. If exempt property is sold before the expiration of such ten-year period and replaced by other qualified residential real property, an exemption may be granted for such property for the unexpired portion of the ten-year exemption period.

§ 110-28 Application.

An application for the exemption shall be made by a qualified owner on a form prescribed by the State Board. The owner shall file the completed form in the local assessor's office on or before the appropriate taxable status date. A form filed in the local assessor's office for the Saratoga County exemption shall be considered as filed for the Town of Ballston exemption. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the 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 percentage 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. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the Penal Law.

§ 110-29 **Effective date.**

This article shall take effect July 1, 2009.

THE PROPOSED LOCAL LAW WILL DELETE "SECTION 110-27 Duration"