

Chapter 46

TAX EXEMPTION FOR SENIOR CITIZENS

§ 46-1. Exemption granted.

§ 46-2. Qualification for exemption.

§ 46-3. Application for exemption.

§ 46-4. Establishment of qualification; implementation of provisions.

§ 46-5. Penalties for offenses.

§ 46-6. When effective.

[HISTORY: Adopted by the Board of Trustees of the Village of Walton 3-17-1975 by L.L. No. 2-1975. Amendments noted where applicable.]

GENERAL REFERENCES

**Tax exemption for disabled persons with limited income — See Ch. 45A.
Tax on utilities — See Ch. 47.**

§ 46-1. Exemption granted. [Amended 12-3-1990 by L.L. No. 7-1990; 1-23-1995 by L.L. No. 1-1995; 2-1-1999 by L.L. No. 1-1999]

Pursuant to the provisions of § 467 of the Real Property Tax Law and as therein provided, the real property owned by one or more persons, each of whom is 65 years of age or older, or real property owned by husband and wife, one of whom is 65 years of age or older, shall be exempt from real property taxation to the extent of 50% of the assessed valuation, 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 does not exceed the sum of \$12,000.

§ 46-2. Qualification for exemption.

No exemption shall be granted:

- A. 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 exceeds the sum of \$12,000. The term "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 the 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, net rental income, salary or earnings and net income from self-employment but shall not include gifts or inheritances. [Amended 12-15-1980 by L.L. No. 3-1980; 12-3-1990 by L.L. No. 7-1990; 1-23-1995 by L.L. No. 1-1995; 2-1-1999 by L.L. No. 1-1999]
- B. 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; provided further, that 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 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

(Cont'd on page 4603)

§ 46-2 TAX EXEMPTION FOR SENIOR CITIZENS § 46-3

months; and provided further that 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; and further provided that where a residence is sold and replaced with another within one (1) year and is in the same assessment unit, the period of ownership of the former property shall be combined with the period of ownership of property for which application is made for exemption, and such periods of ownership shall be deemed to be consecutive for purposes of this section.

- C. Unless the property is used exclusively for residential purposes.
- D. 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.

§ 46-3. Application for exemption. [Amended 1-23-1994 by L.L. No. 1, 1995]

- A. 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 of Equalization and Assessment,¹ to be furnished by the Village Clerk, 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 assessor for the Town of Walton on or before the taxable status date.
- B. At least sixty (60) days prior to the taxable status date, the Village Clerk shall mail to each person who is granted exemption pursuant to this chapter on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the

¹ Editor's Note: The State Board of Equalization and Assessment was changed to the State Board of Real Property Services, pursuant to L. 1994, c. 385.

exemption to be granted. Failure to mail any such application form and notice or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

§ 46-4. Establishment of qualification; implementation of provisions.

- A. The Board of Assessors may require any applicant to furnish such other and further information as may be reasonably necessary for it to establish the qualification for exemption of said applicant.
- B. The Board of Assessors may establish such rules and procedures and take such other steps as may be necessary to implement the provisions of this local law.

§ 46-5. Penalties for offenses.

Any conviction of having made any willfully false statement in the application for such exemption shall be punishable by a fine of not more than one hundred dollars (\$100.) and shall disqualify the applicant or applicants from further exemption for a period of five (5) years.

§ 46-6. When effective.

This local law will take effect in accordance with L.L. No. 3, 1971, adopted by the Board of Trustees on February 1, 1971.²

² Editor's Note: See Ch. 36, Local Laws, Adoption of.