

September 8, 2010

Finance Committee: 8-25-2008

RESOLUTION NO. 312-2008

**ADOPTING LOCAL LAW B (NO. 1) ADOPTION OF A REAL PROPERTY TAX  
EXEMPTION FOR CAPITAL IMPROVEMENTS TO  
ONE-FAMILY AND TWO-FAMILY DWELLINGS**

By Mr. Paquin, Chair, Finance Committee

Co-sponsored by Ms. Brothers, District 12; Mr. Burns, District 1; and Mr. Morrill, District 6

**BE IT ENACTED** by the Board of Legislators of St. Lawrence County as follows:

ARTICLE I: Real Property Tax Exemption for Capital Improvements to One-Family and Two-Family Dwellings

Section 1. Intent

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

Section 2. Eligibility & 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-family and two-family residential buildings having a cost of no less than \$3,000 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 St. Lawrence County property taxes per the terms of this article, such abatement not to exceed \$50,000. 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:

**RECONSTRUCTION, ALTERATION, AND IMPROVEMENT.** Such activities shall not include ordinary maintenance and repairs. It shall also not apply to construction or alteration/repairs to swimming pools.

**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.

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Section 5. Calculation of Exemption

- A. One-family 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 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 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; 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 St. Lawrence County for taxation, with such filing to be received in the office of said Assessor on or before the taxable status date for St. Lawrence County. A certificate of compliance or a certificate of occupancy issued in connection with the reconstruction, alteration, or improvement must be submitted with the application.
- A. 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.

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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 ceases 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 & 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 St. Lawrence County are levied.
- c. This article is effective upon passage by the St. Lawrence County Board of Legislators and filing with the Department of State pursuant to the Municipal Home Rule Law.

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Mr. Paquin moved to adopt Resolution No. 312-2008, seconded by Mr. Morrill, Ms. Brothers, Mr. Burns, and Ms. Perry, and carried by a roll call vote with fourteen (14) yes votes, and one (1) Legislator absent (FitzRandolph).