

**Local Law № 2 of 2024**

**A LOCAL LAW REPEALING AND REPLACING  
ARTICLE IV OF THE VILLAGE OF ELMSFORD CODE  
TO ENACT PROPERTY TAX EXEMPTIONS FOR  
SENIOR CITIZENS PURSUANT TO SECTION 467 OF  
THE NYS REAL PROPERTY TAX LAW**

**BE IT ENACTED** by the Board of Trustees of the Village of Elmsford as follows:

**Section 1.** Chapter 300 of Code of the Village of Elmsford is hereby amended to add a new Article IV entitled “Senior Citizen Exemption” to read as follows:

**“Article IV – Exemptions for Senior Citizens**

**§ 300-27 – Exemptions granted.**

Pursuant to § 467 of the Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by spouses, one of whom is 65 years of age or over, who are eligible as set forth below shall be exempt from taxation by the Village of Elmsford for Village general taxes as hereinafter provided. Such exemption shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed. Said exemption is allowed to otherwise eligible senior citizens who become 65 after the taxable status date but before December 31 of the calendar year.

**§ 300-28 Income limitations.**

- A. For the purposes of this subsection. the term “Income” shall mean the Federal Adjusted Gross Income (FAGI) as reported on the applicant’s income tax return and as defined in the NY Real Property Tax Law.
- B. Where title to the property is vested in either married spouse, married spouses’ combined income may not exceed the maximum income sum set forth above.
- C. For purposes of determining eligibility, “income” shall be computed pursuant to Real Property Tax Law § 467(3)(a)(iv) and consist of the "adjusted gross income” for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions, and including tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income, plus any social security benefits not included in such federal adjusted gross income. In accordance with Real Property Tax Law §467(3)(a)(iv)(2), “income” shall include distributions received from an individual retirement account or individual retirement annuity that were included in the applicant’s federal adjusted gross

income. Losses applied to reduce an applicant's federal adjusted gross income shall be subject to the limitations specified in Real Property Tax Law § 467(3)(a)(iv)(5). For purposes of determining income eligibility, the calculation of total income shall not include a veteran's disability compensation.

- D. Any exemption provided by this article shall be computed after all other partial exemptions allowed by law have been subtracted by the total amount assessed; provided, however, that no parcel may receive both an exemption pursuant to this article and a Disabilities tax exemption pursuant to this chapter.
- E. For those who do not file income tax returns, an income worksheet provided by the Assessor shall be required.
- F. To the extent that the income of an owner or owners of real property, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, exceeds the maximum income amount set forth above in this article at § 440-32, such real property shall be exempt from taxation to the following extent of the assessed valuation thereof:

For the period commencing as of the taxable status date, May first each year:

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt From Taxation</u>
\$0 to \$50,000	50%
\$50,000.01 to \$50,999.99	45%
\$51,000 to \$51,999.99	40%
\$52,000 to \$52,999.99	35%
\$53,000 to \$53,899.99	30%
\$53,900 to \$54,799.99	25%
\$54,800 to \$55,699.99	20%
\$55,700 to \$56,599.99	15%
\$56,600 to \$57,499.99	10%
\$57,500 to \$58,399.99	5%

**§ 300-29 Conditions for exemption.**

In order to be eligible for a partial exemption as set forth herein, the income of the owner or the combined income of the owners of the property from all sources as set forth in such §467 of the Real Property Tax Law, as amended, for the income tax year immediately preceding the date of making application for exemption exceeds the sum of the maximum income exemption eligibility level for the granting of partial exemption from real property taxation as provided herein. "Income tax year" shall mean the latest twelve-month period

for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the latest calendar year. Where title is vested in one spouse, 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 the net income from self-employment but shall not include gifts or inheritances. Any such income shall be offset by all unreimbursed medical and prescription drug expenses not paid by insurance and/or veterans' disability compensation.

**§ 300-30 Extension of application filing time.**

A. In the event the owner or all of the owners of real property who received an exemption pursuant to § 467 of the Real Property Tax Law on the preceding assessment roll fails to file the application required pursuant to § 467 of the Real Property Tax Law on or before the appropriate taxable status date, such owner or owners may file the application, executed as if such application had been filed on or before the taxable status date, with the Assessor after the appropriate taxable status date but not later than the last date on which a petition with respect to complaints of assessment may be filed, where failure to file a timely application resulted from:

(1) A death of the applicant's spouse, child, parent, brother or sister; or

(2) An illness of the applicant or of the applicant's spouse, child, parent, brother or sister, that actually prevents the applicant from filing on a timely basis, as certified by a licensed physician.

B. The Assessor shall approve or deny such application as if it had been filed on or before the appropriate taxable status date.

**§ 300-31 Cooperative apartment stockholders.**

A. Cooperative apartment shareholders qualify for exemption. Title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

B. Shareholders who are not eligible. A tenant-stockholder who resides in a dwelling that is subject to the provisions of either Article II, IV, V or XI of the Private Housing Finance Law, which provisions relate to housing projects that provide certain benefits for families and individuals of low income, and who is eligible for a rent increase exemption pursuant to § 467-c of the Real Property Tax Law shall not be eligible for an exemption pursuant to this article.

C. Method of calculating exemption for certain eligible shareholders. A tenant-stockholder who resides in a dwelling that is subject to the provisions of either Article II, IV, V or XI of the Private Housing Finance Law, which provisions relate to housing projects that provide certain benefits for families and individuals of low income, and

who is not eligible for a rent increase exemption pursuant to § 467-c of the Real Property Tax Law, but who meets the requirements for eligibility for an exemption pursuant to this article shall be eligible for such exemption, provided that such exemption shall be in an amount determined by multiplying the exemption otherwise allowable pursuant to this article by a fraction having a numerator equal to the amount of real property taxes or payments in lieu of taxes that were paid with respect to such dwelling and a denominator equal to the full amount of real property taxes that would have been owed with respect to such dwelling had it not been granted an exemption or abatement of real property taxes pursuant to any provision of law; provided, however, that any reduction in real property taxes received with respect to such dwelling pursuant to this article or § 467-c of the Real Property Tax Law shall not be considered in calculating such numerator.

- D. Shareholder's election to receive alternative exemptions: A tenant-stockholder who resides in a dwelling that was or continues to be subject to a mortgage insured or initially insured by the federal government pursuant to Section 213 of the National Housing Act, as amended, and who is eligible for both a rent increase exemption pursuant to § 467-c of the Real Property Tax Law and an exemption pursuant to this article, may apply for and receive either a rent increase exemption pursuant to § 467-c of the Real Property Tax Law or an exemption pursuant to this article, but not both.

§ 300-32 **Inconsistent laws.**

Pursuant to New York Municipal Home Rule Law § 22, the provisions of this article are intended to supersede the provisions of Real Property Tax Law § 467 to the extent that this article and Real Property Tax Law § 467 are inconsistent.

**Section 2.** Former Article IV of Chapter 300 of the Code of the Village of Elmsford entitled "Hotel/Motel Occupancy Tax" is hereby amended by re-designating it as Article V of said Code of the Village of Elmsford and re-numbering sequentially the Sections therein consistent with the amendments provided for hereinabove.

**Section 3. Severability**

If any clause, sentence, paragraph, section or part of this Local Law is declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law.

**Section 4. Effective Date**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.