

**LOCAL LAW NO. 3 OF 2024:
THE ADOPTION OF LOCAL LAW
NO. 3 OF 2024: AMENDING TOWN CODE CHAPTER 230,
TAXATION, ARTICLE I,
SENIOR CITIZENS TAX EXEMPTION AND
ARTICLE VI, EXEMPTIONS FOR PERSONS
WITH DISABILITIES AND LIMITED INCOMES.**

**ARTICLE I
Senior Citizens Tax Exemption**

§ 230-1. Definitions.

Income is defined as the federal adjusted gross income (FAGI) as reported on the applicant's federal form 1040 tax return(s) and subject to the following revisions:

- Social Security benefits not included in the applicant's FAGI are considered income, except where a locality has opted to exclude them from income.
- Distributions from an individual retirement account (IRA) or individual retirement annuity included in the applicant's FAGI are not considered income.
- Medical and prescription drug expenses of an owner that were actually paid for and not reimbursed or paid by insurance may be deducted from income where a locality has opted to allow them to be deducted.
- Any tax-exempt interest or dividends that were not included in the applicant's FAGI is considered income.
- The net amount of loss claimed on federal Schedule C, D, E, F, or any other separate category of loss cannot exceed \$3,000, and the total amount of all losses claimed cannot exceed \$15,000.
- If an owner is an inpatient in a residential health care facility (defined by Public Health Law §2801), the amount paid for care at the facility by that owner (or by that owner's spouse or co-owner) may be deducted from income.

§ 230-2. Income of Owner or Owners

The income of the owner or the combined income of the owners of the property for the second-latest calendar year immediately preceding the date of the application for the partial tax exemption shall be determinative of eligibility. Where title is vested in a married person, the combined income of such person and such person's spouse shall be determinative of eligibility, except where one spouse or ex-spouse is absent from the property due to divorce, legal separation, or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered. The term "income" as used herein shall mean the "federal adjusted gross income" for federal income tax purposes as reported on the applicant's federal income tax return for the applicable income tax year, subject to any subsequent amendments or revisions, plus any social security benefits not included in such federal adjusted gross income and any tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income. Income shall not mean distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income,

and any losses that were applied to reduce the applicant's federal adjusted gross income shall be subject to the following limitations: 1) the net amount of loss reported on federal Schedule C, D, E, or F shall not exceed \$3,000 per schedule; 2) the net amount of any other separate category of loss shall not exceed \$3,000; and 3) the aggregate amount of all losses shall not exceed \$15,000. The applicant's income shall not be offset by any medical and prescription drug expenses.

§ 230-3. Exemption granted.

Pursuant to the authority granted by § 467 of the Real Property Tax Law, real property in the Town of Mendon, County of Monroe, owned by one or more persons, each of whom is 65 years of age or over, shall be exempt from taxation by the Town of Mendon to the extent of 50% of the assessment valuation thereof.

§ 230-4. Amount of 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 second-latest tax year preceding the date of making the application for exemption, exceeds the sum of \$29,000, except that if the aforesaid income is more than \$29,000, then such real property shall be exempt to the extent provided in the following schedule:

- (1) Exemption schedule.

Annual Income	Percentage of Assessed Valuation Exempt From Taxation
Less than \$29,000	50%
Equals \$29,000 but less than \$30,000	45%
\$30,000 or more but less than \$31,000	40%
\$31,000 or more but less than \$32,000	35%
\$32,000 or more but less than \$32,900	30%
\$32,900 or more but less than \$33,800	25%
\$33,800 or more but less than \$34,700	20%
\$34,700 or more but less than \$35,600	15%
\$35,600 or more but less than \$36,500	10%
\$36,500 or more but less than \$37,400	5%

- (2) Income shall not be offset by medical or prescription drug expenses.
- (3) Such income shall not include the proceeds of a reverse mortgage, as authorized by § 6-h of the Banking Law, and §§ 280 and 280-a of the Real Property Law; provided, however, that monies used to repay a reverse mortgage may not be deducted from income, and provided additionally that any interest or dividends realized from the investment of reverse mortgage proceeds shall be considered income.

(4) The provisions of this subsection notwithstanding, such income shall not include veterans' disability compensation, as defined in Title 38 of the United States Code.

- B. Unless the title of the property shall have been vested in the owner or all of the owners of the property for at least 60 consecutive months prior to the date of making the application for exemption.
- 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 the owners of the property.

§ 230-5. Application for exemption.

Application for such exemption must be made by the owner, or all of the owners of the property, on forms to be furnished by the Town Assessor's office and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such Assessor's office at least 90 days before the date for filing the final assessment roll.

§ 230-6. Fraudulent applications.

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

§ 230-7. Applicability.

Such exemption shall be applicable for the assessment roll occurring after January 1, 1993, and subsequent rolls, provided that any eligible person may apply for the exemption after the effective date of this article.

§ 230-8. Deadline extended for renewal applications.

In the event that the owner or all of the owners of real property which has received an exemption pursuant to § 467 of the Real Property Tax Law on the next preceding assessment roll failed to file an application for an exemption as required pursuant to said § 467 of the Real Property Tax Law on or before the 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 of the Town of Mendon on or before the date of the hearing of complaints. Upon said owner or owners filing an application for renewal of tax exemption on or before the date for the hearing of complaints as aforesaid, the Assessor is authorized to accept that application.

§ 230-9. Eligibility for partial exemption.

A person who turns 65 anytime during the calendar year shall be eligible to file for such exemption on the Town tax by March 1 each year.

§ 230-10. Extensions for first-time applicants with medical reasons.

The time allowed for filing by first-time applicants for partial exemption for real property tax shall be extended beyond the regular taxable status date, currently March 1, to the annual date of Grievance Day, currently the fourth Tuesday in May, provided that such applicant has an allowable and verified medical hardship which prevented the applicant from filing by the taxable status date. This amendment shall be effective on the assessment rolls after January 1, 1993.

ARTICLE VI
Exemption for Persons with Disabilities and Limited Incomes

§ 230-18. Authority and intent.

The purpose of this article is to provide a partial exemption from taxation imposed by the Town of Mendon upon real property situated within the Town of Mendon owned by persons with disabilities whose income is limited by such disabilities, and used as the legal residence of such persons, pursuant to the authority vested in the Town by § 459-c of the Real Property Tax Law of the State of New York as amended or changed.

§ 230-19. Incorporation of the statute.

Provisions of § 459-c of the Real Property Tax Law, as amended or changed, through the effective date of this article, together with any further acts of legislation amendatory thereof or supplemental thereto, shall apply to and govern the determination of the exemption of taxation permitted by this article to the extent specified in this article as if such § 459-c had been more particularly set forth herein and as the same may be determined from time to time by Town Board resolution.

§ 230-20. Amount of exemption.

No exemption shall be granted if the income of the owner or the combined income of the owners of the property for the second-latest tax year preceding the date of making application for exemption exceeds the sum of \$29,000, except that if the aforesaid income is more than \$29,000, then such real property shall be exempt to the extent provided in the following schedule:

(1) Exemption Schedule

Annual Income	Percentage of Assessed Valuation Exempt From Taxation
Less than \$29,000	50%
Equals \$29,000 but less than \$30,000	45%
\$30,000 or more but less than \$31,000	40%
\$31,000 or more but less than \$32,000	35%
\$32,000 or more but less than \$32,900	30%
\$32,900 or more but less than \$33,800	25%
\$33,800 or more but less than \$34,700	20%
\$34,700 or more but less than \$35,600	15%
\$35,600 or more but less than \$36,500	10%
\$36,500 or more but less than \$37,400	5%

(2) Income shall not be offset by medical or prescription drug expenses.

(3) Such income shall not include the proceeds of a reverse mortgage, as authorized by § 6-h of the Banking Law, and §§ 280 and 280-a of the Real Property Law; provided, however, that monies used to repay a reverse mortgage may not be deducted from income, and provided additionally that any interest or dividends realized from the investment of reverse mortgage proceeds shall be considered income.

(4) The provisions of this subsection notwithstanding, such income shall not include veterans' disability compensation, as defined in Title 38 of the United States Code.

E. Unless the title of the property shall have been vested in the owner or all of the owners of the property for at least 60 consecutive months prior to the date of making the application for exemption.

F. Unless the property is used exclusively for residential purposes.

G. Unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all the owners of the property.

§ 230-21. Application for exemption.

Application for such exemption must be made by the owner, or all of the owners of the property, on forms to be furnished by the Town Assessor's office and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such Assessor's office at least 90 days before the date for filing the final assessment roll.

§ 230-22. Fraudulent applications.

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

§ 230-23. Applicability.

Such exemption shall be applicable for the assessment roll occurring after January 1, 1993, and subsequent rolls, provided that any eligible person may apply for the exemption after the effective date of this article.

§ 230-24. Deadline extended for renewal applications.

In the event that the owner or all of the owners of real property which has received an exemption pursuant to § 467 of the Real Property Tax Law on the next preceding assessment roll failed to file an application for an exemption as required pursuant to said § 467 of the Real Property Tax Law on or before the 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 of the Town of Mendon on or before the date of the hearing of complaints. Upon said owner or owners filing an application for renewal of tax exemption on or before the date for the hearing of complaints as aforesaid, the Assessor is authorized to accept that application.

§ 230-25. Eligibility for partial exemption.

A person who turns 65 anytime during the calendar year shall be eligible to file for such exemption on the Town tax by March 1 each year.

§ 230-26. Extensions for first-time applicants with medical reasons.

The time allowed for filing by first-time applicants for partial exemption for real property tax shall be extended beyond the regular taxable status date, currently March 1, to the annual date of Grievance Day, currently the fourth Tuesday in May, provided that such applicant has an allowable and verified medical hardship which prevented the applicant from filing by the taxable status date. This amendment shall be effective on the assessment rolls after January 1, 1993.