

**TOWN OF SPAFFORD
LOCAL LAW NO. 5 OF 2025**

**A LOCAL LAW ENACTING A PROPERTY TAX EXEMPTION ON REAL PROPERTY
OWNED BY PERSONS WITH DISABILITIES AND LIMITED INCOMES PURSUANT
TO REAL PROPERTY TAX LAW §459-C**

Be it enacted by the Town Board of the Town of Spafford as follows:

SECTION 1. LEGISLATIVE INTENT & PURPOSE

The purpose of this Local Law is to enact a property tax exemption for persons with disabilities in accordance with the criteria set forth in New York State Real Property Tax Law § 459-c.

SECTION 2. AUTHORITY

The adoption of this Local Law is in accordance with Section 10 of New York’s Municipal Home Rule Law and New York Real Property Tax Law § 459-c.

SECTION 3. GRANT OF EXEMPTION; AMOUNTS

A. Real Property in the Town of Spafford owned by one or more persons with disabilities, or real property owned by a married person or married couple, or by siblings, at least one of whom has a disability, or a person with a disability who has their primary residence in a special needs trust, or a property owner who has a tenant with a disability whose lease provides them with a life interest in the property as long as the tenant remains in the residence, as defined by and pursuant to Real Property Tax Law § 459-c, shall be exempt from taxation by the Town to an extent set forth in Subsection B of this Section based on their income. Such exemption shall also apply to real property in which a person(s) holds a legal life estate, or which is held in trust solely for the benefit of a person(s) if such person(s) would otherwise be eligible for the exemption were such person(s) the owner(s) of such real property.

B. A graduated tax exemption shall be allowed in accordance with the following schedule:

Annual Income	Percentage Assessed Valuation Exempt From Taxation
Less than or equal to \$50,000.00	50%
More than \$50,000.00 but less than \$51,000.00	45%
\$51,000.00 or more but less than \$52,000.00	40%
\$52,000.00 or more but less than \$53,000.00	35%
\$53,000.00 or more but less than \$53,900.00	30%
\$53,900.00 or more but less than \$54,800.00	25%
\$54,800.00 or more but less than \$55,700.00	20%
\$55,700.00 or more but less than \$56,600.00	15%
\$56,600.00 or more but less than \$57,500.00	10%
\$57,500.00 or more but less than \$58,400.00	5%

SECTION 4. INCOME QUALIFICATIONS

A. The “applicable income tax year” as used herein shall mean the second most recent calendar year.

B. The term “income” as used herein shall mean 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 to Real Property Tax Law § 459-c(5)(iv); provided that if no such return was filed for the applicable income tax year, the applicant’s income shall be determined based on the amounts that would have been so reported if such a return had been filed; and provided further, that when determining income for purpose of this Section, the following conditions shall be applicable:

- (1) any social security benefits not included in such federal adjusted gross income shall be considered income;
- (2) distributions received from an individual retirement account or individual retirement annuity that were included in the applicant’s federal adjusted gross income shall be considered income and shall not be excluded;
- (3) any tax-exempt interest or dividends that were excluded from the applicant’s federal adjusted gross income shall be considered income;
- (4) any losses that were applied to reduce the applicant’s federal adjusted gross income shall be subject to the following limitations:
 - a. the net amount of loss reported on federal Schedule C, D, E or F shall not exceed three thousand dollars (\$3,000.00) per schedule,
 - b. the net amount of any other separate category of loss shall not exceed three thousand dollars (\$3,000.00), and
 - c. the aggregate amount of all losses shall not exceed fifteen thousand dollars (\$15,000.00).

C. No exemption shall be granted:

- (1) if the income of the owner or the combined income of the owners of the property for the applicable income tax year exceeds the sum provided in Section 3 of this Local Law; or
- (2) where title is vested in a married person, the combined income of such person and such person’s spouse may not exceed such sum, except where one spouse or ex-spouse is absent from the property due to divorce, legal separation or abandonment, in which case only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

SECTION 5. COMPATIBILITY WITH REAL PROPERTY TAX LAW § 459-c

The right to said exemption set forth in this Local Law, the procedures for application therefor and the restrictions and limitations thereon shall be as set forth in this Local Law in accordance with the terms, procedures, restrictions and limitations set forth in the Real Property

Tax Law § 459-c. The exemption, the procedures for application therefor and the restrictions and limitations thereon as set forth in Real Property Tax Law § 459-c, as amended, and as from time to time shall be amended, are hereby incorporated by reference into this Local Law. If any provisions of this Local Law are in conflict with those set forth in Real Property Tax Law § 459-c, Real Property Tax Law § 459-c shall be controlling.

SECTION 6. REPEAL AND/OR SUPERSESSION OF PREVIOUS RESOLUTIONS AND/OR LOCAL LAWS

This Local Law supersedes and/or repeals any and all prior resolutions and/or local laws adopted by the Town of Spafford in regard to property tax exemptions on real property owned by persons with disabilities pursuant to Real Property Tax Law § 459-c.

SECTION 7. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.