

**LOCAL LAW NO. \_\_\_\_ OF 2022**

**TOWN BOARD  
TOWN OF NEW CASTLE**

**PROPOSED LOCAL LAW TO AMEND CHAPTER 120, SECTION 2 AND  
SECTION 5 OF THE CODE OF THE TOWN OF NEW CASTLE**

A LOCAL LAW to amend Chapter 120, Section 2 and Section 5 of the Code of the Town of New Castle to increase the amount of tax exemptions for qualifying veterans who reside in the Town of New Castle pursuant to New York State Real Property Tax Law § 458-a and for Cold War veterans who reside in the Town of New Castle pursuant to New York State Real Property Tax Law §458-b.

**Section 1. Legislative intent.**

The Town of New Castle provides real property tax exemptions for qualified veterans residing in the Town of New Castle pursuant to § 458-a of the New York State Real Property Tax Law. In the Town of New Castle, qualifying veterans currently receive a partial exemption up to the following levels: (a) a standard veteran exemption in the amount of fifteen (15%) percent of the assessed value of a qualifying parcel, subject to a cap of \$54,000 multiplied by the latest state equalization rate, (b) an additional exemption for veterans who served in a combat theater or combat zone of operations in the amount of ten (10%) percent of the assessed value of a qualifying parcel, with an accompanying cap of \$36,000 multiplied by the latest state equalization rate and (c) an additional exemption for service-disabled veterans in the amount of the assessed value of a qualifying parcel multiplied by fifty (50%) percent of said veteran's disability rating, with an accompanying cap of \$180,000 multiplied by the latest state equalization rate. Pursuant to § 458-a(2)(d)(ii) of the New York State Real Property Tax Law, the Town of New Castle may, by local law, increase the above-stated exemption limits to \$75,000 (standard veteran exemption), \$50,000 (combat zone veteran exemption) and \$250,000 (service-disabled veteran exemption). The Town Board finds that increasing these cap amounts, as authorized by state law, will provide additional property tax relief for those who have served our country.

The Town of New Castle further provides real property tax exemptions for Cold War veterans residing in the Town of New Castle pursuant to New York State Real Property Tax Law §

458-b. These qualifying Cold War veterans may receive (a) an exemption in the amount of fifteen (15%) percent of the assessed value of a qualifying parcel, subject to a cap of \$54,000 multiplied by the latest state equalization rate and (b) an additional exemption for Cold War service-disabled veterans in the amount of the assessed value of a qualifying parcel multiplied by fifty (50%) percent of said veteran's disability rating, with an accompanying cap of \$180,000 multiplied by the latest state equalization rate. Pursuant to § 458-b(2)(c)(iii) of the New York State Real Property Tax Law, the Town of New Castle may, by local law, increase these Cold War veteran exemption limits to \$75,000 (standard Cold War veteran exemption) and \$250,000 (Cold War service-disabled veteran exemption). The Town Board further finds that increasing the limitations governing these Cold War veteran exemption categories, as authorized by state law, will extend additional property tax relief for eligible Cold War veterans in recognition of their service to our county.

**Section 2. Chapter 120, Section 2 of the Code of the Town of New Castle entitled "Maximum exemption election" is hereby amended as follows:**

**§ 120-2 Maximum exemption election.**

The maximum veterans exemption from real property taxes allowable pursuant to § 458-a of the Real Property Tax Law is established as follows:

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$75,000 or the product of \$75,000 multiplied by the latest state equalization rate for the Town, whichever is less.
- B. In addition to the exemption provided by Subsection A of this section, where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, or the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal or global war on terrorism expeditionary medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$50,000 or the product of \$50,000 multiplied by the latest state equalization rate for the Town, whichever is less.
- C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Veteran's Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed \$250,000 or the product of \$250,000 multiplied by the latest state equalization rate for the Town, whichever is less.

~~Pursuant to Chapter 256 of the Laws of 2005,[1] the Town of New Castle hereby adopts and elects to increase the maximum exemption allowable in Paragraphs (a), (b) and (c) of Real Property Tax Law § 458 (a), Subdivision 2, to \$54,000, \$36,000 and \$180,000 respectively. This amount shall be effective commencing with the 2006 assessment roll.~~

**Section 3.** Chapter 120, Section 5 of the Code of the Town of New Castle entitled “Amount of exemption; limitations” is hereby amended as follows:

**§ 120-5 Amount of exemption; limitations.**

The maximum veterans exemption from real property taxes allowable pursuant to § 458-b of the Real Property Tax Law is established as follows:

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed ~~\$7554,000~~ or the product of ~~\$7554,000~~ multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. In addition to the exemption provided by Subsection A of this section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service-related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed ~~\$250,000180,000~~ or the product of ~~\$250,000180,000~~ multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- C. Limitations. The exemption from taxation provided by this section shall be applicable to county, city, town and village taxation, but shall not be applicable to taxes levied for school purposes.
- D. If a Cold War veteran receives a veterans exemption under Article I of this chapter, authorized by either § 458 or by § 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive an exemption under this article.

**Section 4. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 120 of the Code of the Town of New Castle is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 5. Numbering for Codification**

It is the intention of the Town of New Castle and it is hereby enacted that the provisions of

this Local Law shall be included in the Code of the Town of New Castle; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “ Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

### **Section 6. Severability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

### **Section 7. Effective Date**

This local law shall take effect immediately upon filing with the Office of the Secretary of State.