

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Hillsdale

Local Law No. 1 of the year 2023

A Local Law amending the Code of the Town of Hillsdale, Part 2 (General Legislation), Chapter 210 (Taxation), Article III (Exemption for Volunteer Firefighters and Volunteer Ambulance Workers) to provide for real property tax exemptions for Volunteer Firefighters and Volunteer Ambulance Workers pursuant to Section 466-A of the Real Property Tax Law.

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

Section 1. LEGISLATIVE INTENT AND PURPOSE

The Town Board of the Town of Hillsdale finds and determines that the Town must attract and retain quality volunteer firefighters and emergency medical personnel to maintain effective emergency protection for the Town. To this end, it is important for the Town to provide real property tax exemptions as an incentive to attract new volunteers and to help combat a persistent and alarming decline in the number of volunteers serving as active responders to fire and medical emergencies.

The Town Board further finds and determines that unless recruits are found to replace retiring volunteers, and seasoned members are encouraged to continue their volunteer service, the health and safety of citizens served by volunteer firefighter and emergency medical personnel may be jeopardized. Real property tax exemptions are an appropriate way to recognize the personal sacrifice and dedication of the men and women who unselfishly give their time and risk their safety to protect their neighbors without compensation.

The purpose of this Local Law is to adopt the real property tax exemptions provided for volunteer firefighters and emergency medical personnel in accordance with Section 466-a of the Real Property Tax Law.

Section 2. ENACTMENT

The Code of the Town of Hillsdale, Part 2 (General Legislation), Chapter 210 (Taxation), Article III (Exemption for Volunteer Firefighters and Volunteer Ambulance Workers) is amended to read as follows:

Article III Exemption for Volunteer Firefighters and Volunteer Ambulance Workers

§ 210-8a Real Property Tax Exemption.

Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in the Town of Hillsdale shall be exempt from taxation to the extent of ten percent (10%) of the assessed value of such property for Town and County purposes, exclusive of special assessments.

§ 210-8b Qualifications.

Such exemption shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service if:

- (a) The applicant resides in the Town of Hillsdale and is a member of an incorporated volunteer fire company or fire department or incorporated voluntary ambulance service which provides service within the Town.
- (b) The real property which is the subject of such exemption is the primary residence of the applicant.
- (c) The real property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Local Law.
- (d) The applicant has obtained and displayed a certificate issued by the authority having jurisdiction for the incorporated volunteer fire company or fire department indicating that the applicant has been an enrolled member of such incorporated volunteer fire company or fire department for at least two (2) years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least two (2) years.

§ 210-8c Continuation of eligibility requirements.

The applicant shall maintain continual eligibility for the exemption by being a continuously active member of the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service. An active member shall meet the requirements for active service as defined by each incorporated volunteer fire company, fire department or incorporated voluntary ambulance service. Annual attestation by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service is required to maintain this exemption.

§ 210-8d Twenty year active members.

Any enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who accrues more than twenty (20) years of active service, as defined in Section 210-8b hereof, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, shall be granted the ten percent (10%) exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Town of Hillsdale.

§ 210-8e Un-remarried Surviving Spouses of Volunteers killed in the line of duty.

An un-remarried spouse of a volunteer firefighter or volunteer ambulance worker killed in the line of duty may receive the real property tax exemption if:

- (a) Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service who was killed in the line of duty.
- (b) Such deceased volunteer had been an enrolled member for at least five (5) years.
- (c) Such deceased volunteer had been receiving the exemption prior to his or her death.

§ 210-8f Un-remarried Surviving Spouses of Volunteers with at least Twenty Years of Service.

An un-remarried spouse of a volunteer firefighter or volunteer ambulance worker with twenty (20) years of service may receive the real property tax exemption if:

- (a) Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service.
- (b) Such deceased volunteer had been an enrolled member for at least twenty (20) years.
- (c) Such deceased volunteer and un-remarried spouse had been receiving the exemption of such property prior to the death of such volunteer.

§ 210-8g Application process.

- (a) Applications for such exemption shall be filed with the assessor of the Town of Hillsdale on or before the taxable status date on a form as prescribed by the New York State Commissioner for the Office of Real Property Tax Services.
- (b) The assessor of the Town of Hillsdale shall have the duty and responsibility of procuring and filing a copy of such certification prior to granting the exemption provided for by this Local Law.

§ 210-8h No diminution of current benefits.

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

§ 210-9 [Reserved]

Section 3. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm, corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. EFFECTIVE DATE.

This local law shall take effect on January 1, 2024 and shall apply to taxable status dates occurring on or after such date.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2023 of the Town of Hillsdale was duly passed by the Town Board on September 12, 2023 in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved) (repassed after _____ (Name of Legislative Body) _____ disapproval) by the _____ and was deemed duly adopted on _____, 20____, _____ (Elective Chief Executive Officer*) in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved) (repassed after _____ (Name of Legislative Body) _____ disapproval) by the _____ on _____, 20____. Such local law was _____ (Elective Chief Executive Officer*) submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and (approved)(not approved) (repassed after _____ (Name of Legislative Body) _____ disapproval) by the _____ on _____, 20____. _____ (Elective Chief Executive Officer*)

Such local law was subject to ~~permissive referendum and no valid petition requesting such referendum was filed as of _____, _____, in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote _____ of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 9/12/23

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Matthew D. Cabral

Town Attorney
Title

County
City
Town of Hillsdale
Village

Date: 9/12/23