

LOCAL LAW NO. 6-08
CHAUTAUQUA COUNTY

A LOCAL LAW TO PROVIDE A PARTIAL TAX EXEMPTION FOR
CERTAIN CAPITAL IMPROVEMENTS TO ONE AND TWO FAMILY
OWNER-OCCUPIED RESIDENTIAL DWELLINGS

BE IT ENACTED, by the County Legislature of the County of
Chautauqua, New York.

Section 1. Purpose.

Pursuant to the Real Property Tax Law Section 421-f, the purpose of this local law is to provide a partial exemption from taxation for certain capital improvements to one and two family residential buildings and to encourage County residents to invest in their homes and neighborhoods and to continue to reside in the County.

- A. Such buildings shall be exempt for a period of one (1) year to the extent of 100 percent of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of seven (7) years as follows: one (1) year at 87.5 percent of the “exemption base” followed by one (1) year at 75 percent of the exemption base, followed by one (1) year at 62.5 percent of the exemption base, followed by one (1) year at 50 percent of the exemption base, followed by one (1) year at 37.5 percent of the exemption base, followed by one (1) year at 25 percent of the exemption base, followed by one (1) year at 12.5 percent of the exemption base. The “exemption base” shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in Subparagraph B of this paragraph.
- B. In any year in which a change in level of assessment of 15 percent or more is certified for a final assessment roll pursuant to the rules of the state board, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are

hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

- C. Such exemption shall be limited to eighty thousand dollars (\$80,000.00) in increased market value of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the most recently established state equalization rate, except where the state equalization rate or special equalization rate equals or exceeds 95 percent, in which case the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.
- D. No such exemption shall be granted unless:
1. such reconstruction, alteration or improvement was commenced subsequent to the effective date of this local law;
 2. the value of such reconstruction, alteration or improvement exceeds five thousand dollars (\$5,000.00); and
 3. the greater portion, as so determined by square footage of the building reconstructed, altered or improved, is at least five (5) years old; and
 4. such reconstruction, alteration or improvement requires the issuance of a building permit and is completed as may be evidenced by a certificate of occupancy or other appropriate documentation provided by the owner.
- E. For purpose of this article, the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.
- F. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the state board, the original of which shall be filed with the assessor. Such original application shall be filed on or before the taxable status date and within one (1) year from the date of completion of such reconstruction, alteration or improvement.

- G. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this article, the assessor shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the first assessment roll prepared after the taxable status date referred to in subdivision F of this article. The assessed value of any exemption granted pursuant to this local law shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.
- H. The provisions of this local law shall only apply to one or two family owner-occupied dwellings used exclusively for residential purposes.
- I. In the event that real property granted an exemption pursuant to this local law is sold or transferred other than to the heirs or distributees of the owner, the exemption granted hereunder shall cease.

Section 2. Effective Date

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

Mailed: 5/16/08

Adopted: 5/28/08

Public Hearing: 6/17/08

Adopted as Local Law 6-08