

Town of Newport Local Law No. 2 of 2025

A Local Law to Provide for a Partial Tax Exemption for Real Property Taxes of Real Property
Owned by Persons Who Are 65 Years of Age or Over by an Income-Based Sliding Scale

BE IT ENACTED by the Town Board of the Town of Newport, County of Herkimer, State of New York, as follows:

Section 1. Legislative intent and purpose.

- A. It is the general purpose and intent of this local law to increase the minimum income limit for real property owners over 65 years of age who qualify for a partial exemption from town taxes pursuant to § 467 of the Real Property Tax Law.

Section 2. Definitions.

- A. For the purposes of this local law, the terms “income tax year” and “income” shall be defined in § 467 of the Real Property Tax Law.

Section 3. Exemption granted.

- A. Real property in the Town of Newport owned by one or more persons, each of whom is 65 years of age or over, or real property owned by a married couple, one of whom is 65 years of age or over, shall be exempt from taxation by the Town of Newport to the extent of 50% of the assessed valuation thereof.

Section 4. Qualifications; income limits.

- A. Partial exemption from taxation is granted to property owners as set forth in Section 3 herein pursuant to and in accordance with § 467 of the Real Property Tax Law. No exemption shall be granted if the income of the owner or the combined incomes of the owners of the property involved exceeds that sum allowable under § 467 of the Real Property Tax Law of the State of New York, as amended, and at a level established by the Town Board within the limits established by § 467 of the Real Property Tax Law.
- 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 Income Tax Return for the applicable tax year. In determining income for the purpose of this section, the following conditions shall be applicable:
 - (1) Social Security benefits not included in such federal adjusted gross income shall be added in the calculation of income;
 - (2) Distributions received from an individual retirement account or individual retirement annuity shall be considered income and shall be added in the calculation of income;

- (3) Tax exempt interest or dividends excluded from applicant's federal adjusted gross income shall be added in the calculation of income;
- (4) Medical and prescription drug expenses shall not offset or be deducted from applicant's income;
- (5) Any losses that were applied to reduce the applicant's federal adjusted gross income shall be limited as follows:
 - (a) the net amount of loss reported on Federal Schedules C, D, E, or F, or any other separate category of loss, shall not exceed three thousand dollars (\$3,000);
 - (b) the aggregate amount of all losses shall not exceed fifteen thousand dollars (\$15,000).

Section 5. Notification of property owners.

- A. The Town of Newport shall notify or cause to be notified each person owning residential real property in said town of the provisions of this local law. Failure to notify or cause to be notified any person who is in fact eligible to receive the exemption provided by this local law, or the failure of such person to receive the same, shall not prevent the levy, collection, and enforcement of the payment of the taxes on property owned by such person.

Section 6. Application.

- A. Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed by the State Board to be furnished by the Town Assessor 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 on or before the appropriate taxable status date.

Section 7. Reapplication.

- A. Reapplication shall be in accordance with § 467, Subdivision 6(a), of the Real Property Tax Law.

Section 8. Application for renewal after taxable status date.

- A. Notwithstanding the provisions of Sections 6 and 7 of this local law, the Town Assessor is authorized to accept applications for renewal of exemptions after the taxable status date. In the event that the owner or all of the owners of property which has received an exemption on the preceding assessment roll fails to file the application required 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 Town Assessor on or before the date for the hearing of complaints.

Section 9. Penalty for false statement.

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

Section 10. Qualifications; income limits.

- A. It is the purpose and intent of this section to increase the maximum income levels at which the aged exemption from real estate tax is effective and to implement legislation to implement the provisions of the Real Property Tax Law of the State of New York which authorizes municipalities to accept applications for the tax exemption for the aged and the STAR program so long as the applicant will turn 65 on or before December 31 of the year of application.
- B. To be eligible for this exemption, the income of the owner, or the combined income of the owners, shall be in accordance with the following schedule:

Annual Income	Percentage Exemption
Less than \$20,000	50%
\$20,001 but less than \$21,000	45%
\$21,001 but less than \$22,000	40%
\$22,001 but less than \$23,000	35%
\$23,001 but less than \$24,900	30%
\$24,901 but less than \$25,800	25%
\$25,801 but less than \$26,700	20%
More than \$26,700	0%

- C. Eligible senior citizens for the STAR program, and for purposes of eligibility for the aged real property tax exemption, shall be individuals whose 65th birthday occurs on or before December 31 of the year for which such person first makes application for the program in question.

Section 11. Repealer

- A. Local Law No. 1 of 1974 is hereby repealed in its entirety and replaced with this local law.

Section 12. Severability.

- A. If any provision hereof, or the application thereof to any person or circumstance, is adjudged invalid by a court or tribunal of competent jurisdiction, such provision shall be deemed severed and any such judgment shall not affect or impair the validity of the other provisions of this local law (which shall remain in force and effect) or the application hereof to other persons and circumstances.

Section 13. When effective.

- A. This local law shall take effect immediately upon its filing with the Secretary of State of New York.