

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

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 underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
FEB 10 2003

MISCELLANEOUS
& STATE RECORDS

~~CITY~~
~~CITY~~ of
~~TOWN~~
Village

CHAMPLAIN, NEW YORK 12919

Local Law No. / of the year 20-02-03

A local law TO PROVIDE FIRST TIME HOME OWNERS' EXEMPTION PURSUANT TO
(Insert Title)
SECTION 457 OF THE REAL PROPERTY LAW OF THE STATE OF
NEW YORK.

Be it enacted by the VILLAGE BOARD OF TRUSTEES of the
(Name of Legislative Body)

~~CITY~~
~~CITY~~ of
~~TOWN~~
Village

CHAMPLAIN, NEW YORK 12901

as follows:

CHAPTER IV

SEE ATTACHED pages 1a - 1d

(If additional space is needed, attach pages the same size as this sheet, and number each.)

105.1 EXEMPTION PROVIDED; STATUTORY AUTHORITY.

Pursuant to section 457 of the Real Property Tax Law of the State of New York, the Village of Champlain, after due consideration, has provided for a partial real property tax exemption for qualified first-time homeowners as specified below.

105.2 QUALIFICATIONS; REGULATIONS.

A. Subject to the qualifications and regulations set forth herein, a partial exemption from real property taxes is hereby granted to qualified first-time home buyers of primary property within the Village of Champlain.

B. Newly constructed primary residential property purchased by one or more persons, each of whom is a first-time home buyer and has not been married to a homeowner in the tree years prior to applying for this first-time homeowners' exemption, shall be exempt from taxation levied by or on behalf of the Village of Champlain, when such newly constructed residential property is located within the Village of Champlain. Such exemption, to be for a period of five years, shall be computed in accordance with the following table;

<u>Percentage of Assessed</u> <u>Year of Exemption</u>	<u>Valuation Exempt from Tax</u>
1	50%
2	40%
3	30%
4	20%
5	10%
6 or more	0 %

C. Eligibility for exemption; exception.

(1) Any newly constructed primary residential real property within a purchase price of \$ 90,000.00 shall be eligible for the exemption allowed pursuant to this article.

(2) A first-time home buyer who either as part of the written contract for sale of the primary residential property, or who enters into a written contract, within 90 days after closing of the sale of the primary residence, for reconstruction, alteration or improvements, the value of which exceeds \$3,000.00, to the primary residential property shall be exempt from taxation to the extent provided by this article. Such exemption shall apply solely to the increase in assessed value thereof attributable to such reconstruction, alteration or improvement, provided that the assessed value after reconstruction, alteration, or improvements does not exceed 15% more than the purchase price limits as defined in Subsection (C)(?) of this section.

For purposes of this section, the terms "reconstruction", "alteration" and "improvement" shall not include ordinary maintenance and repairs.

(3) A first-time home buyer shall not qualify for the exemption authorized pursuant to this section if the household income exceeds income limits as defined on January 1, 2001, by the State of New York Mortgage Agency low-interest-rate-mortgage program in the non-target, on-and-two- person-household category for Clinton County.

D. Newly constructed primary residential property purchased by first-time home buyers at a sales price greater than the maximum eligible sales price shall qualify for the exemption allowed pursuant to this article for that portion of the sales price of such newly constructed primary residential property equal to the maximum eligible sales price; provided, however, that any newly constructed primary residential property purchased at a sales price greater than 25% above the maximum eligible sales price shall not be allowed any exemption.

E. No exemption shall be allowed pursuant to this article for any newly constructed primary residential property purchased by a first-time home buyer on or after December 31, 2005, unless such purchase is pursuant to a binding written contract entered into prior to December 31, 2005; provided, however, that any first-time home buyer who is allowed an exemption pursuant to this article prior to such date shall continue to be allowed further exemptions pursuant to subsection B of this section.

F. This exemption shall apply to taxable status date beginning on or after January 2, 2003.

105.3

DEFINITIONS.

As used in this article, the following terms shall have the meanings indicated:

FIRST-TIME HOME BUYER— A person who has not owned a primary residential property and is not married to a person who has owned a residential property during the three-year period prior to his or her purchase of the primary residential property, and who does not own a vacation or investment home.

HOUSEHOLD INCOME— The total combined income of all the owners, and of any owners' spouses residing on the premises, for the income tax year preceding the date of making application for the exemption.

INCOME— The adjusted gross income for federal income tax purposes as reported on the applicant's latest available federal or state income tax return, subject to any subsequent amendments or revisions, reduced by distributions, to the extent included in Federal adjusted gross income, received from an individual retirement account and an individual retirement annuity; provided that, if no such return was filed within the one-year period preceding taxable status date, "income" shall mean the adjusted gross income that would have been so reported if such a return had been filed. For purposes of this definition, "latest available return" shall mean the federal or state income tax return for the year immediately preceding the date of making application; provided, however, that if the tax return for such tax year has not been filed, then the income tax return for the tax year two years preceding the date of making application shall be considered the latest available.

NEWLY CONSTRUCTED - An improvement to real property which was constructed as a primary residential property and which has never been occupied and was constructed after the effective date of this article. "Newly constructed" shall also mean that portion of a primary residential property that is altered, improved or reconstructed.

PRIMARY RESIDENTIAL PROPERTY— Any one-or two- family house, townhouse or condominium located in this state which is owner occupied by such home buyer.

105.4

PROHIBITIONS.

A. No portion of a single-family newly constructed primary residential property shall be leased during the period of time when the first-time homeowner exemption shall apply to the residence. If any portion of the single-family newly constructed primary residential property is found to be the subject of a lease agreement, the Assessor shall discontinue any exemption granted pursuant to this article.

B. In the event that a primary residential property granted an exemption pursuant to this article ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this article shall be discontinued.

C. Upon determining that an exemption granted pursuant to this article should be discontinued, the Assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided in Real Property Tax Law section 510. Such owner or owners shall be entitled to seek administrative and judicial review of such action in the manner provided by law, provided that the burden shall be on such owner or owners to establish eligibility for the exemption.

105.5 APPLICATION PROCESS.

A. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the State Board. The application shall be filed with the Clinton County Assessors on or before the taxable status date of Clinton County.

B. If satisfied that the applicant is entitled to an exemption pursuant to this article, the Clinton County Board of Assessors shall approve the application, and such primary residential property shall thereafter be exempt from taxation and special ad valorem levies as provided in this article, commencing with the assessment roll prepared on the basis of the taxable status date referred to in Subsection A of this article. The assessed value of any exemption granted pursuant to this article 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.

105.6 SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or other part of this article shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this article, and it shall be construed to have been the legislative intent to enact this article without such unconstitutional or invalid parts therein.

(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 (ONE) of 20 03 of the (County)(City)(Town)(Village) of CHAMPLAIN, NEW YORK 12919 was duly passed by the BOARD OF TRUSTEES on Jan. 13 20 03, in accordance with the applicable provisions of law.

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 disapproval) by the (Elective Chief Executive Officer*) and was deemed duly adopted on 20, 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 disapproval) by the (Elective Chief Executive Officer*) on 20. Such local law was 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 was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) on 20. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20, 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 chairperson 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 _____ 20 _____, 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 _____, above.

James E. Keable
Village Clerk

(Seal)

Date: Jan 13, 2002 2003

(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 CLINTON

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.

James E. Keable
Signature James E. Keable
Village Attorney
Title

~~County~~
~~City~~ of CHAMPLAIN, NEW YORK 12919
~~Town~~
Village

Date: 1/29, 2003