

ENVIRONMENTAL CONCERNS & REAL PROPERTY TAX SERVICES
REAL PROPERTY TAX SERVICES
OCTOBER 25, 2022

COMMITTEE MEMBERS: McDEVITT, Dickinson, Geraci, Braymer, Runyon, Seeber and Magowan

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Privilege of the floor and public comment
- IV. Action Agenda/New Business Items:
 1. Request: Authorize conveyances of lands offered at public auction, October 15, 2022.

Rationale: Disposing of certain lands acquired by Warren County pursuant to the Real Property Tax Foreclosure Action.
 2. Request:

Rationale:
- V. Discussion Items:
 1. Further discussion was requested by the committee on the restrictive covenant clause that was included in the deeds for the auction properties and the Terms & Conditions which made it difficult for re-sale of the properties. It was removed from the tax foreclosure deeds and the Terms & Conditions of Sale by Resolution No. 515 of 2022.
 2. Further discussion was requested by the committee on Real Property Tax Law Section 467. Exemption for Persons 65 years of age or older.
- VI. Referrals/Pending Items:
- VII. Privilege of the floor and public comment
- VIII. Motion to adjourn

Attachments: 1. Resolution request.
2. Prior deed language & supporting documents
3. Supporting documents for Senior exemption discussion

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

**Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.*

DEPARTMENT NAME: Real Property Tax Services

DATE: October 25, 2022

- (a) Purpose of Request:
Authorizing conveyances of lands offered at public auction held on October 15, 2022.

- (b) Details:
Disposing of certain lands acquired by Warren County pursuant to the Real Property Tax Foreclosure Auction.

- (c) Previous Resolution Number:

- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

TOWN	LOCATION	CLASS	BIDDER	TAXES DUE	SALE PRICE
BOLTON					
124.00-1-29	New Vermont Road	322	Lake George Land Conservancy, Inc	\$2,881.13	\$83,000
156.00-2-31	County Route 11	314	Heika J. Rossignol	\$977.04	\$3,200
CHESTER					
120.9-1-6	Friends Lake Road	311	Bridget M. & Harry M. Horetz	\$1,529.51	\$11,000
Horicon					
88.18-2-2.12	Tannery Road	311	Mark M. & Christine Madigan	\$366.70	\$2,600
106.-1-6	Hayesburg Road	314	Troy A. & Gayle M. Scripture	\$505.33	\$4,700
106.-1-55	Alder Brook Road	314	Daniel D. Navarra	\$1,138.19	\$15,000
JOHNSBURG					
100.-3-26	Holland Road	910	George Flynn	\$2,271.04	\$11,500
101.-1-55	Antler Lake Road	910	Stanley A Ferguson & Norma Anderson	\$1,665.55	\$50,000
116.-1-85	141 Peaceful Valley Rd	270	Rialyn Mendoza Dumlao	\$3,045.35	\$8,750
118.-1-12	3771 State Route 8	312	Ricky & Maha White	\$2,459.90	\$19,500
132.-1-63	Stewart Road	314	Evan M. Richards	\$790.21	\$20,000
132.6-1-13	2529 State Route 8	210	Rialyn Mendoza Dumlao	\$14,133.56	\$12,500
134.-1-2.2	1487 S. Johnsburg Rd	240	Scott Anderson	\$4,482.94	\$63,000
QUEENSBURY					
279.-1-19	Mud Pond Road, off	314	Gregory Oser	\$214.52	\$2,100
303.8-1-15	Queensbury Avenue	322	C. E. Shipley	\$81,488.28	\$19,000
308.7-1-48.1	Sherman Avenue	322	David W. Howard	\$13,942.08	\$50,000
309.9-3-45	63 Massachusetts Ave	311	Frederick J. Smith	\$1,865.97	\$26,500
Warrensburg					
167.-2-19.2	Potter Brook Road	314	Loretta J. & Casey J. Prosser	\$719.47	\$7,000
167.-2-19.3	Potter Brook Road	314	Loretta J. & Casey J. Prosser	\$719.47	\$7,100
167.-2-19.4	Potter Brook Road	314	Andrew G. Smith	\$785.54	\$6,500
236.-1-5.1	Alden Avenue	314	Luke A. Duell	\$4,132.48	\$20,000
				\$140,114.26	\$442,950

was
Below is language that ~~is currently~~ in the deeds of properties sold at the tax foreclosure sale.

The party to the second part expressly covenants and agrees that:

(1) Within twenty four (24) months after the date of this deed, the party of the second part shall bring the property conveyed herein into complete compliance with all State, County and Town/Village building, housing, plumbing, electrical, fire prevention, life safety and health statutes, codes, rules and regulations and shall obtain, within such time period, a Certificate of Compliance or a Certificate of Occupancy, if required, for all buildings and structures located on the property. If a Certificate of Compliance or Certificate of Occupancy has been issued for any building or structure on such property, prior to the date of this deed, the party of the second part shall, within twenty four (24) months after the date of this deed, either to make such building or structure fit for the use set forth in such Certificate or shall obtain a new Certificate for another use or shall demolish such building or structure. Demolition shall include removal of all demolished material within the twenty four (24) months;

(2) At or prior to the end of the twenty four (24) months after the date of delivery of this deed, the party of the second part shall schedule with the proper official of the County or Town an inspection of the property described in this deed to determine compliance with the covenant set forth in paragraph one (1) above. If the property is found to be in compliance with such covenant, a Certificate of Occupancy or Compliance shall be issued by the building official;

(3) Prior to the issuance of a Certificate of Occupancy or Compliance, as provided in the covenant set forth in paragraph two (2) above, the party to the second part shall not sell, convey, assign or lease the property described in this deed or any part thereof, except to the party of the first part as provide in paragraph (4) below;

(4) At the end of twenty four (24) months after the delivery of this deed, if it is determined that the covenants contained in paragraphs (1) and (2) above have not been complied with, the party of the second part shall, within ten (10) business days from the service of a notice pursuant to Section 612 of the Real Property Actions and Proceedings Law of the State of New York, reconvey good and marketable title to the property described in this deed to the party of the first part;

(5) If, at any time after delivery of this deed, it is determined that the covenant contained in paragraph (3) above has not been complied with, the party of the second part and his grantee, assign, or successor in interest shall, within ten (10) business days from the service of a notice pursuant to Section 612 of the Real Property Actions and Proceedings Law of the State of New York, reconvey good and marketable title to the property described in this deed to the party of the first part.

The covenants set forth in the proceeding paragraphs shall constitute covenants running with the land and shall without regard to technical classification or designation, legal or otherwise, be to the fullest extent binding for the benefit of, in favor of, and enforceable by the party of the first part, its successor, and assigns against the party of the second part, his

successors and assigns and every successor in interest to the property described in this deed or any part thereof or any interest therein, and any party in possession or occupancy of the property described in this deed or any part thereof.

In the event that subsequent to the conveyance of the property described in this deed the party of the second part shall default in or violate any of its obligations contained in the covenants set forth in this deed, the party of the first part shall have the right to reenter and take possession of the property described in this deed and to terminate the estate conveyed by this deed to the party of the second part, it being the intent of this provision that the conveyance to the party of the second part shall be made upon a condition subsequent to the effect that in the event of any default, failure, violation, or other action or inaction by party of the second contrary to the obligations specified in the covenants contained in this deed, the party of the first part, may at its option, declare a termination in favor of the party of the first part, of the title and of all rights, interests in and to the property conveyed by this deed to the party of the second part and any assigns or successors in interest to or in the property, shall revert to the party of the first part. Provided that such conditions subsequent and any reverting of title as a result thereof in the party of the first part shall always be subject to and limited by and shall not defeat, render invalid, or limit in anyway, the lien of any mortgage obtained by the party of the second part for the purpose of financing the work necessary to bring the property into compliance with all statutes, codes, rules and regulations as is required by the covenants contained in the covenants of this deed. The words, "the party of the second part," as used in this paragraph, shall be construed to mean the party of the second part or his successors or assigns.

Warren County Board of Supervisors

RESOLUTION No. 515 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS MCDEVITT, DICKINSON, GERACI, BRAYMER, RUNYON, SEEBER AND MAGOWAN

AMENDING RESOLUTION NO. 421 OF 2021, “APPROVING AND ADOPTING THE WARREN COUNTY REAL ESTATE AUCTION 2021 TERMS AND CONDITIONS OF SALE APPLICABLE TO THE SALE OF PARCELS ACQUIRED BY THE COUNTY BY REASON OF THE FORECLOSURE OF TAX LIENS”, TO REMOVE SUBDIVISION (F) OF PARAGRAPH 6

WHEREAS, the Warren County Board of Supervisors approved the Real Estate Auction Terms and Conditions of Sale applicable to the sale of by Resolution No. 452 of 1996, which was most recently amended by Resolution No. 421 of 2021, and

WHEREAS, the Real Estate Auction Terms and Conditions of Sale, attached hereto as “Schedule A” has been amended to remove subdivision (f) of paragraph 6, now, therefore, be it

RESOLVED, that the Real Estate Auction Terms and Conditions of Sale as presented to the Warren County Board of Supervisors be, and hereby is, amended and does supercede any prior versions of the Real Estate Auction Terms and Conditions of Sale.

SCHEDULE "A"

WARREN COUNTY REAL ESTATE AUCTION
TERMS AND CONDITIONS OF SALE

2022

The premises described in the preceding advertisement of sale will be sold under the direction of the Director of the Real Property Tax Services Department, upon the following Terms of Sale:

1. The successful bidder (purchaser) of the premises being sold, or any portion thereof, will, at the time of the auction sign a memorandum of purchase agreement in which the purchaser will agree to comply with and be obligated under all terms and conditions of sale of the Warren County Real Estate Auction 2022. A copy of such Memorandum of Purchase Agreement is attached hereto and incorporated herein.
2. For a successful bid in any amount over One Thousand Dollars (\$1,000), Ten Percent (10%) of the purchase price of said premises and an additional six percent (6%) buyer's premium shall be made payable to the Warren County's official auctioneer at the time of the execution of the memorandum of purchase agreement, and for which payment a County receipt shall be given by the Office of the Treasurer, and which payment may be made by way of a personal check dated as of the date of the auction, cash or certified funds;

For a successful bid of One Thousand Dollars (\$1,000) or less, One Hundred Percent (100%) of the purchase price of said premises and an additional six percent (6%) buyer's premium shall be made payable to the Warren County's official auctioneer at the time of the execution of the memorandum of purchase agreement, and for which payment a County receipt shall be given by the Office of the Treasurer, and which payment may be made by way of a personal check dated as of the date of the auction, cash or certified funds;

In the event of a default or failure to complete the transaction by the successful bidder, the successful bidder agrees that the amount of the deposit and buyer's premium tendered by the successful bidder at the time of execution of the Memorandum of Purchase Agreement shall be forfeited to the County, or, if the tender is not completed, the successful bidder agrees that such amounts shall be come due and owing to the County. The County reserves the right to pursue collection of such amounts, including costs and reasonable attorney's fees.

3. The successful bidder has no legal or beneficial ownership interest of any nature whatsoever in the property. All sales are subject to the approval of the Warren County Board of Supervisors which approval shall be given or denied within forty-five (45) days of such sale. The County of Warren reserves the right to reject any and all bids and cancel and/or postpone sales at any time before the actual delivery of deeds, a right which if invoked will be exercised within forty-five (45) days of such sale. In the event a sale is not approved by the Board of Supervisors, the down payment for that sale and the additional buyer's premium shall be promptly refunded without interest;

RESOLUTION No. 515 OF 2022

PAGE 3 OF 4

4. The balance of the purchase price (ninety percent (90%)) shall be made payable by bank or certified check or cash to the Warren County Treasurer, Warren County Municipal Center, Lake George, New York, within fifteen (15) days from the date of the resolution of the Warren County Board of Supervisors approving the sale, of which date the purchaser shall be provided with notice at the address given by the purchaser on the memorandum of purchase completed pursuant to Paragraph 1 of the Terms of Sale. The Real Property Tax Services Director is not required to send any further notice to the purchaser. If the purchaser fails to pay the balance of the purchase price within said fifteen (15) day period as provided above, all rights to complete the transaction per the memorandum of purchase agreement will expire and the deposit and Auctioneer's additional buyer's premium shall be forfeited to the County of Warren.
5. If the successful bidder at the auction fails to comply with the terms and conditions of sale and therefore forfeits the right to purchase or the time to purchase expires as defined in paragraph 4 above, the County shall consider whether to offer the property for sale to the second highest bidder of record. In furtherance of this, the Real Property Tax Services Director shall provide notice to the second highest bidder by mail at the address provided by the bidder at the auction that the County is considering whether to accept the bid of the said second highest bidder and inquire as to whether said bidder desires to purchase the property. If the said bidder is interested in purchasing the property, the second highest bidder shall have fifteen (15) days after the mailing of such notice to enter into a memorandum of purchase agreement as set forth in Paragraph 1, and complete the transaction including tender of payment. Notwithstanding the foregoing, upon receipt of a duly executed waiver and release from the highest bidder confirming that they will not be purchasing the property as defined in Paragraph 4 above and acknowledging they will be forfeiting the buyer's premium and ten percent (10%) deposit made, the County can immediately offer the property to the second highest bidder pursuant to the terms and conditions set forth in this paragraph.
6. The premises will be conveyed free and clear of delinquent real property tax liens but subject to:
 - (a) city and village tax liens accruing during the year of the auction and not relieved in the last town and county tax immediately preceding the auction;
 - (b) school taxes accruing on or after July 1st in the year of the auction and any late payments and penalties related thereto;
 - (c) street or other special assessments unpaid or payable to the municipality in which the premises are situated;
 - (d) any water charges unpaid or payable to the municipality in which the premises are situated which have not been relieved in the last town and county tax levy;
 - (e) any sewer charges unpaid or payable to the municipality in which the premises are situated which have not been relieved in the last town and county tax levy;
7. The deed delivered shall be a "Quit Claim" deed and shall contain the assessment roll description of the premises and not a metes and bounds description.
8. The bidding will be kept open after the property is struck down; in the case any purchaser

shall fail to comply with any of these Terms of Sale, the premises so struck down will again be put up for sale under the direction of the Real Property Tax Services Agency; the original purchaser may be held liable for any deficiency between the sum for which said premises were purchased and the resale, together with any costs or expenses occurring on such resale.

9. The premises will be conveyed subject to all existing tenancies, easements, rights, licenses, privileges, and agreements, as well as any covenants, conditions, restrictions, reservations, rights of re-entry, possibilities of reverter, rights-of-way, utility or other easement agreements, or sell-offs in former deeds or other instruments of record. Additionally, the premises will be conveyed subject to existing laws and ordinances and any state of facts an accurate survey and prudent inspection of the property would disclose, and any federal and/or state taxes, liens, judgements and encumbrances of record not otherwise extinguished when the County of Warren took title to the subject parcel.
10. The purchaser is responsible for determining by diligent search of the public records, including those in the Warren County Clerk's Office, whether other persons or entities including, but not limited to, mortgagees, lienholders or others have an interest in the property which may affect the title as acquired through the tax foreclosure proceeding.
11. The purchaser is responsible for determining whether any structures are located on the premises and for the condition of any structures located on the premises. The descriptions may contain a reference to a structure that may have been removed after the description was prepared. The County makes no promises regarding the presence or condition of any structure.
12. There shall be no interruptions of the auction by any person. Any person so interrupting the auction may be removed from the auction.
13. Individuals purchasing property at this public auction will be responsible for Real Property Transfer Tax on all parcels purchased.
14. The Internal Revenue Service and/or other Federal and/or State agencies may have a right to redeem their interest in properties following this auction. The bidder is responsible for ascertaining this information.
15. If a purchaser owes any outstanding and delinquent taxes to Warren County, those taxes must be paid in full prior to closing on any purchase made at this auction. Failure to comply with this provision will be grounds for default and forfeiture of any deposits paid.
16. As a further term and condition of sale of the property, the Purchaser understands and agrees that the County shall arrange for the recording of the deed issued by the County in connection with such sale and that the Purchaser shall be liable for the payment of recording fees which shall be paid to the County at the time of closing on the property. The fees associated with the recording of the Quit Claim deed shall be in addition to all other amounts due by the Purchaser in connection with the sale.

Warren County Board of Supervisors

RESOLUTION NO. 251 OF 2012

Resolution introduced by Supervisors Monroe, Bentley, Loeb, Dickinson and McDevitt

**AUTHORIZING INCREASE IN REAL PROPERTY TAX EXEMPTION LIMIT
FOR PERSONS SIXTY-FIVE (65) YEARS OF AGE OR OVER
IN COMBINATION WITH SLIDING SCALE OF INCREMENT
LEVELS OF EXEMPTION**

WHEREAS, Section 467 of the Real Property Tax Law of the State of New York provides that municipal corporations such as a County, may adopt a resolution and thereafter amend by resolution the establishment of a partial exemption from real property tax levied by the municipal corporation on real property owned by persons sixty-five (65) years of age or over pursuant to the limitations and conditions set forth within Section 467, and

WHEREAS, by Resolution No. 298 of 2005, the Warren County Board of Supervisors adopted a partial exemption from County taxes on real property owned by persons qualified pursuant to provisions of Section 467 of the Real Property Tax Law provided the combined income of the qualified owners is within a certain range and in combination with a sliding scale of increment levels of exemption as set forth in said Resolution No. 298 of 2005, and

WHEREAS, on March 16, 2012, the Warren County Board of Supervisors adopted Resolution No. 189 of 2012 authorizing a public hearing to consider amending Resolution No. 298 of 2005 to increase the partial exemption of property tax levied by the County of Warren for those qualified owners and whose combined annual income levels are up to and between Twenty-Four Thousand Dollars (\$24,000) and Thirty-Two Thousand Four Hundred Dollars (\$32,400) for the income tax year immediately preceding the date of making application for the exemption and in combination with a sliding scale of increment levels of exemption as set forth below, and

WHEREAS, the Warren County Board of Supervisors conducted a public hearing at 10:00 a.m. on April 20, 2012, and all those persons interested having been heard pertaining to the proposed resolution amending Resolution No. 298 of 2005, and authorizing an increase in the real property tax exemption limit for persons sixty-five (65) years of age or older in combination with sliding scale of increment levels of exemption, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby amends Resolution No. 298 of 2005 and adopts a partial exemption from County taxes of real property owned by persons qualified pursuant to the provisions

RESOLUTION No. 251 OF 2012

PAGE 2 OF 2

of Section 467 of the Real Property Tax Law, provided the combined income of the qualified owners is up to and between the amount of Twenty-Four Thousand Dollars (\$24,000) and Thirty-Two Thousand Four Hundred Dollars (\$32,400) for the income tax year immediately preceding the date of making application for exemption pursuant to Section 467 of the Real Property Tax Law, in combination with a sliding scale of increment levels of exemption as follows:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUE EXEMPTION FROM TAXATION</u>
Up to 24,000	50 per centum
More than \$24,000 but less than \$25,000	45 per centum
\$25,000 or more, but less than \$26,000	40 per centum
\$26,000 or more, but less than \$27,000	35 per centum
\$27,000 or more, but less than \$27,900	30 per centum
\$27,900 or more, but less than \$28,800	25 per centum
\$28,800 or more, but less than \$29,700	20 per centum
\$29,700 or more, but less than \$30,600	15 per centum
\$30,600 or more, but less than \$31,500	10 per centum
\$31,500 or more, but less than \$32,400	5 per centum

and be it further

RESOLVED, that this resolution and the amended partial exemption schedule shall become effective on

April 20, 2012.

\$24,000 max income limit (CURRENT)

<u>Annual Income</u>			<u>Percentage AV Exemption from Taxation</u>
24,000	or less		50 per centum
24,001	to	24,999	45 per centum
25,000	to	25,999	40 per centum
26,000	to	26,999	35 per centum
27,000	to	27,899	30 per centum
27,900	to	28,799	25 per centum
28,800	to	29,699	20 per centum
29,700	to	30,599	15 per centum
30,600	to	31,499	10 per centum
31,500	to	32,399	5 per centum

\$35,000 max income limit

<u>Annual Income</u>			<u>Percentage AV Exemption from Taxation</u>
35,000	or less		50 per centum
35,001	to	35,999	45 per centum
36,000	to	36,999	40 per centum
37,000	to	37,999	35 per centum
38,000	to	38,899	30 per centum
38,900	to	39,799	25 per centum
39,800	to	40,699	20 per centum
40,700	to	41,599	15 per centum
41,600	to	42,499	10 per centum
42,300	to	43,399	5 per centum

\$50,000 max income limit

<u>Annual Income</u>			<u>Percentage AV Exemption from Taxation</u>
50,000	or less		50 per centum
50,001	to	50,999	45 per centum
51,000	to	51,999	40 per centum
52,000	to	52,999	35 per centum
53,000	to	53,899	30 per centum
53,900	to	54,799	25 per centum
55,800	to	56,699	20 per centum
56,700	to	57,599	15 per centum
57,600	to	58,499	10 per centum
58,500	to	59,399	5 per centum

Either option will bring all current recipients to 50 per centum

CHAPTER 488

AN ACT to amend the real property tax law, in relation to increasing the amount of income property owners may earn for the purpose of eligibility for the property tax exemption for persons sixty-five years of age or over and for persons with disabilities and limited income

Became a law August 8, 2022, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 3 of section 467 of the real property tax law, as amended by chapter 558 of the laws of 2021, is amended to read as follows:

(a) if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of three thousand dollars, or such other sum not less than three thousand dollars nor more than twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, twenty-nine thousand dollars beginning July first, two thousand nine, fifty thousand dollars beginning July first, two thousand twenty-two, and in a city with a population of one million or more fifty thousand dollars beginning July first, two thousand seventeen, as may be provided by the local law, ordinance or resolution adopted pursuant to this section. Where the taxable status date is on or before April fourteenth, income tax year shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return for the year before the income tax year immediately preceding the date of application and where the taxable status date is on or after April fifteenth, income tax year shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return for the income tax year immediately preceding the date of application. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property as provided in subparagraph (ii) of paragraph (d) of this subdivision, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286 or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.

or paid for by insurance, if the governing board of a municipality, after a public hearing, adopts a local law, ordinance or resolution providing therefor. In addition, an exchange of an annuity for an annuity contract, which resulted in non-taxable gain, as determined in section one thousand thirty-five of the internal revenue code, shall be excluded from such income. Provided that such exclusion shall be based on satisfactory proof that such an exchange was solely an exchange of an annuity for an annuity contract that resulted in a non-taxable transfer determined by such section of the internal revenue code. Furthermore, such income shall not include the proceeds of a reverse mortgage, as authorized by section six-h of the banking law, and sections two hundred eighty and two hundred eighty-a of the real property law; provided, however, that monies used to repay a reverse mortgage may not be deducted from income, and provided additionally that any interest or dividends realized from the investment of reverse mortgage proceeds shall be considered income. The provisions of this paragraph notwithstanding, such income shall not include veterans disability compensation, as defined in Title 38 of the United States Code provided the governing board of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

§ 2. Paragraph (a) of subdivision 5 of section 459-c of the real property tax law, as amended by chapter 131 of the laws of 2017, is amended to read as follows:

(a) if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of three thousand dollars, or such other sum not less than three thousand dollars nor more than twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, twenty-nine thousand dollars beginning July first, two thousand nine, and fifty thousand dollars beginning July first, two thousand twenty-two, and in a city with a population of one million or more fifty thousand dollars beginning July first, two thousand seventeen, as may be provided by the local law or resolution adopted pursuant to this section. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the governing board of a municipality, after a public hearing, adopts a local law or resolution provid-

ing therefor. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

§ 3. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

ANDREA STEWART-COUSINS
Temporary President of the Senate

CARL E. HEASTIE
Speaker of the Assembly