

**LOCAL LAW NO. 4 OF 2018**

**CITY OF PORT JERVIS, ORANGE COUNTY, NEW YORK**

**A LOCAL LAW TO PROVIDE AN EXEMPTION FROM TAXES AND SPECIAL AD VALOREM LEVIES FOR CAPITAL IMPROVEMENTS TO RESIDENTIAL BUILDINGS.**

Be it enacted by the City of Port Jervis as follows:

**Section 1. Purpose** This local law is adopted pursuant to Section 421-f of the Real Property Tax Law for the purpose of exemption capital improvements to residential buildings from taxation and special ad valorem levies as hereinafter provided and shall be applied in accordance with that statute, as amended from time to time.

**Section 2. Definitions**

- a. "Residential building" means any building or structure designed and occupied exclusively for residential purposes by not more than two families.
- b. "Reconstruction," "alteration," and "improvement" shall not include ordinary maintenance and repairs.

**Section 3. Exemption**

- a. Residential buildings reconstructed, altered, or improved subsequent to the effective date of this local law shall be exempt from taxation and special ad valorem levies to the extent provided herein.
- b. No such exemption shall be granted for reconstruction, alterations, or improvements unless:
  - i. such reconstruction, alteration or improvement was commenced subsequent to the effective date of this local law; and
  - ii. the value of such reconstruction, alteration, or improvement exceeds five thousand dollars; and
  - iii. the greater portion, as so determined by square footage, of the building reconstructed, altered, or improved is at least five years old.
- c. Nothing herein shall require any assessor to find that any alteration, installation or improvement has necessarily increased or improved the assessed value of any property.

**Section 4. Calculation of Exemption** The buildings described in Section 3 shall be Exempt for a period of eight years to the extent of the following percentages of the increase in the “exemption base” as defined in Real Property Tax Law Section 421-f as the increase in assessed value thereof attributable to such reconstruction, alteration or improvement, modified as required by paragraph 2.(a) (ii) of RPTL Section 421-f.

<u>Year</u>	<u>Exemption Percentage</u>
1	100.0
2	75.0
3	50.0
4	25.0
5	0.0
6	0.0
7	0.0
8	0.0

The exemption shall be limited to eighty thousand dollars in increased market value of the property attributable to such reconstruction, alteration, or improvement, but not less than five thousand dollars.

**Section 5. Application for and Grant of Exemption**

- a. An exemption shall be granted only upon application by the owner of the building on a form prescribed by the Real Property Tax Law or equivalent form distributed by the City of Port Jervis Assessor.

The application shall be filed with the City of Port Jervis Assessor having power to assess property for taxation on or before the appropriate taxable status date for the City of Port Jervis.

- b. If satisfied that the applicant is entitled to an exemption pursuant to this local law, the Assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date. 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.

**Section 6. Termination of Exemption** In the event that a building granted an exemption pursuant to this local law 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 shall cease.

**Section 7. Effective Date** This local law shall become effective upon filing in the office of the Secretary of State, as provided and in the manner described in the Municipal Home Rule Law. Following its adoption a copy of this local law shall be sent to and filed with the Assessor for the City of Port Jervis.

This local law shall automatically expire and the exemption authorized hereunder shall no longer be available to new applicants after two (2) years from the date of its adoption unless further acted upon by action of the Port Jervis Common Council. This local law shall automatically expire and be no further effect and the exemption granted hereunder shall cease immediately upon the adoption of a local law by the City of Port Jervis Common Council pursuant to any amendment of Real Property Tax Law Section 421-f including a Special Law enacted by the State Legislature pursuant to a Home Rule request under Municipal Home Rule Law. However, all exemptions granted hereunder which shall have become effective prior to the automatic expiration thereof by any event defined in this paragraph shall continue beyond such expiration according to the terms of Sections 1 through 6 hereof.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE GENERAL CITY LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE CITY TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE CITY HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.