

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 italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Oneida

Local Law No. 6 of the year 2012

A local law PROVIDING FOR A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES

(Insert Title)
LEVIED BY THE COUNTY OF ONEIDA FOR FIRST-TIME HOMEBUYERS OF NEWLY
CONSTRUCTED HOMES.

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

of the

County City Town Village
(Select one.)
of ONEIDA

as follows:

Legislative Intent: The intent of this Local Law is to afford first-time homebuyers of newly constructed homes a partial exemption from real property taxes levied by the County of Oneida, as permitted under New York Real Property Tax Law Section 457. The Local Law will spur new interest in expanding the housing stock within Oneida County, bring jobs to the County's construction sector and assist with the revitalization of the County.

BE IT ENACTED by the Board of County Legislators of the County of Oneida, State of New York, as follows:

Section 1. Definitions.

As used in this Local Law, the following words, phrases, terms and their derivations shall have the meanings set forth below:

First-Time Homebuyer-A person who has not owned a Primary Residential Property, and is not married to a person who has owned a Primary Residential Property, during the three-year period prior to his or her purchase of the Primary Residential Property, and does not own a vacation or investment home.

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

Primary Residential Property-Any one-family or two-family house, townhouse or condominium located in the County of Oneida which is owner-occupied by such homebuyer.

Newly Constructed-An improvement to real property which was constructed as a Primary Residential Property, which has never been occupied and was constructed after November 28, 2001 but on or before December 31, 2016. Newly constructed shall also mean that portion of a Primary Residential Property that is altered, improved or reconstructed.

Maximum Eligible Sales Price-The purchase price limits defined by the State of New York Mortgage Agency (SONYMA) low interest rate mortgage program in the non-target, one family new category for Oneida County in effect on the contract date for the purchase and sale of a Newly Constructed Primary Residential Property.

Taxes- Real property taxes and special ad valorem levies levied by or on behalf of the County of Oneida; Taxes shall not include Oneida County special assessments.

First-Time Homebuyer Exemption-The exemption from Taxes on Newly Constructed Primary Residential Property purchased by a First-Time Homebuyer, pursuant to the eligibility criteria and the table set forth within this Local Law.

Household Income-The total combined Income of all the owners and any of the owners' spouses residing on the premises, for the income tax year preceding the date of making application.

Income-The adjusted gross income for federal income tax purposes as reported on the applicant's Latest Available 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 or an individual retirement annuity; provided that if no such return was filed within the one-year period preceding taxable status date, Income means the adjusted gross income that would have been so reported if such a return had been filed.

Latest Available Return-The federal or state income tax return for the tax year immediately preceding the date of making application for the exemption; provided however, that if the tax return for such a year has not been filed, then the income tax return for the tax year two years preceding the date of making application will be considered the Latest Available Return.

Section 2. First-Time Homebuyer Exemption

- A. Newly Constructed Primary Residential Property purchased by a First-Time Homebuyer shall be entitled to the First-Time Homebuyer Exemption and shall be exempt from Taxation in accordance with the eligibility criteria set forth within this Local Law.
- B. The First-Time Homebuyer Exemption for eligible properties shall be calculated in accordance with the following table:

Years of Exemption	Percentage of Assessed Valuation Exempt from Taxation
Year 1	50%
Year 2	40%
Year 3	30%
Year 4	20%
Year 5	10%
Year 6 or more	0%

Section 3. Sales price eligibility limits

- A. Any Newly Constructed Primary Residential Property within the limits of the Maximum Eligible Sales Price shall be eligible for the First-Time Homebuyer Exemption allowed pursuant to this Local Law.
- B. Newly Constructed Primary Residential Property purchased by First-Time Homebuyers at a sales price greater than the Maximum Eligible Sales Price shall qualify for the First-Time Homebuyer Exemption for that portion of the sales price equal to the Maximum Eligible Sales Price; provided, however, that any Newly Constructed Primary Residential Property purchased at a sales price greater than fifteen percent (15%) above the Maximum Eligible Sales Price shall not be allowed any First-Time Homebuyer Exemption.

Section 4. Household income eligibility requirements

A First-Time Homebuyer shall not qualify for the First-Time Homebuyer Exemption if the Household Income exceeds Income limits defined by SONYMA low interest rate mortgage program in the non-target, one and two person household category for Oneida County in effect on the contract date of the purchase and sale of such property.

Section 5. Reconstruction expenses

A First-Time Homebuyer who either as part of a written contract for sale of the Primary Residential Property, or who enters into a written contract within ninety (90) days after closing of the sale of the Primary Residential Property for reconstruction, alteration or improvements, the value of which exceeds three thousand dollars (\$3,000.00) to the Primary Residential Property, shall be exempt from taxation to the extent provided by this Local Law. Such exemption shall apply solely to the increase in assessed value attributable to such reconstruction, alteration or improvement, provided that the assessed value after reconstruction, alteration or improvement does not exceed fifteen percent (15%) more than the Maximum Eligible Sales Price.

Section 6. Time requirements

No First-Time Homebuyer Exemption shall be allowed pursuant to this Local Law for any Newly Constructed Primary Residential Property purchased by a First-Time Homebuyer on or after December 31, 2016, unless such purchase is made pursuant to a binding written contract entered into prior to such date. First-Time Homebuyers who first receive this exemption prior to December 31, 2016 will continue to receive the exemption according to the established schedule.

Section 7. Applications for First-Time Homebuyer Exemption

The First-Time Homebuyer Exemption shall be granted only upon application by the owner on a form prescribed by the State Commissioner of Taxation and Finance to the assessor of the city, town or village having the power to assess the property for taxation, submitted on or before the appropriate taxable status date and approval of such application by such assessor.

Section 8. Discontinuance of First-Time Homebuyer Exemption

- A. No portion of an otherwise eligible single-family Newly Constructed Primary Residential Property shall be leased during the period of time when the First-Time Homebuyer 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 during the term of the First-Time Homebuyer Exemption, the exemption shall be discontinued.

- B. In the event that a Primary Residential Property ceases to be used primarily for residential purposes or title thereto is transferred to someone other than the heirs or distributees of the owner during the term of the First-Time Homebuyer Exemption, the exemption will be discontinued.

Section 9. Severability.

If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its effect to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

Section 10. Effective Date

This Local Law shall take effect on September 1, 2012.

Section 11. Filing.

In addition to the Office of the New York State Secretary of State, copies of this Local Law shall be filed with the State Board of Real Property Tax Services and with the assessors of all cities, towns and villages within Oneida County.

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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. 6 of 2012 of the (County)(City)(Town)(Village) of Oneida Board of Legislators was duly passed by the _____ on June 13 2012, and was (approved)(not approved) (repassed after disapproval) by the County Executive (Elective Chief Executive Officer*) and was deemed duly adopted on July 2 2012, 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 _____ 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 _____ 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 2 _____ above.

Phyllis M. Garry, Deputy Clerk
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: 7/2/2012

(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 ONEIDA

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.

GREGORY J. MOROSO
Signature
GREGORY J. MOROSO, COUNTY ATTORNEY

Title

County
ONEIDA
of _____
X~~XXXX~~
X~~XXXX~~
X~~XXXX~~

Date:

July 2nd. 2012