

Local Law #2 - Town of Thurston, County of Steuben

Filed with the State of New York this 23rd day of February, 2026

TOWN OF THURSTON

COUNTY OF STEUBEN

LOCAL LAW # 2 OF THE YEAR 2026

A local law – PROVIDING FOR PARTIAL EXEMPTION FROM TAXATION OF REAL PROPERTY OWNED BY SENIOR CITIZENS WITH LIMITED INCOMES

Be It Enacted by the TOWN BOARD of the TOWN OF THURSTON as follows:

SECTION 1. Legislative Intent

The purpose of this local law is to provide real estate tax relief to persons with disabilities and limited incomes.

SECTION 2. Legislative Authority

This local law is enacted pursuant to the provisions of Section 459-c of the Real Property Tax Law of the State of New York.

SECTION 3. Title

This local law shall hereafter be known as Real Property Tax Exemption Law for persons with disabilities and limited incomes.

SECTION 4. Real Property Exemption

- 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 the making application for the exemption exceeds the sum of \$43,299, the sliding scale options authorized in Real Property Tax Law section 467(1)(b)(1) shall be applicable.
- B. Any exemption provided by this section shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same municipal tax purpose pursuant to both this section and section four hundred sixty-seven of the Real Property Tax Law.

Ownership eligibility

You must own the property for at least 12 consecutive months prior to the date of filing for the senior citizens' exemption, unless you receive the exemption for your previous residence.

In computing the 12-month period, the period of ownership is not interrupted by the following:

- a transfer of title to one spouse from the other
- a transfer of title to a surviving spouse from a deceased spouse either by will or operation of law
- a transfer of title to the former owner(s), provided the reacquisition occurs within nine months after the initial transfer and the property was receiving the senior citizens exemption as of such date
- a transfer of title solely to a person(s) who maintained the property as a primary residence at the time of death of the former owner(s), provided the transfer occurs within nine months after the death of the former owner(s) and the property was receiving the senior citizens exemption as of such date.

The period of ownership of a prior residence may be considered where:

- the property was sold by condemnation or other involuntary proceedings (except a tax sale) and another property has been acquired to replace the taken property;
- the prior residence has been sold and a replacement purchase made within one year if both residences are within the State.

You can prove ownership by submitting to the assessor a certified copy of the deed, mortgage, or other instrument by which you became owner of the property.

Cooperative apartments: municipalities are authorized to grant the exemption to seniors who own shares in residential cooperatives. If granted, you would receive adjustments to your monthly maintenance fees to reflect the benefit of that exemption.

Life estates or trusts: the life tenant is entitled to possession and use of the property for the duration of his or her life and is deemed the owner for all purposes, including taxation. The exemption also may be allowed if the property is in trust and all the trustees or all the beneficiaries qualify.

Manufactured homes: Manufactured homes on leased land can qualify for the senior citizens' exemption. If home is in a manufactured home park, you are entitled to a reduction in rent for the taxes paid.

Income eligibility

You **cannot** receive the senior citizens' exemption if the income of the owner, or the combined income of all the owners, exceeds the maximum income limit set by the locality.

If you are married, the income of your spouse must be included in the total unless your spouse is absent from the residence due to a legal separation or abandonment. The income of a non-

resident former spouse, who retains an ownership interest after the divorce, is not included. If the "sliding-scale" option is in effect, you must meet that income limitation; contact the assessor to determine what the income limits are.

For the purposes of this exemption, income is defined as your federal adjusted gross income (FAGI) as reported on your income tax return(s) for the "applicable income tax year" (defined below) and subject to the following revisions:

- Social Security benefits not included in your FAGI are considered income, except where a locality has opted to exclude them from income.
- Distributions from an individual retirement account or individual retirement annuity included in your FAGI are not considered income, except where a locality has opted to include them in income.
- Medical and prescription drug expenses of an owner that were actually paid for and not reimbursed or paid by insurance may be deducted from income where a locality has opted to allow them to be deducted.
- If an owner is an inpatient in a residential health care facility, the amount paid for care at the facility by that owner (or by that owner's spouse or co-owner) may be deducted from income.
- Any tax-exempt interest or dividends that were not included in your FAGI is considered income.
- The net amount of loss claimed on federal Schedule C, D, E, F, or any other separate category of loss cannot exceed \$3,000, and the total amount of all losses claimed cannot exceed \$15,000.

Applicable income tax year

In localities where the taxable status date is **before** April 15, the applicable income tax year is two years prior to the current calendar year. In localities where the taxable status date is **on or after** April 15, the applicable income tax year is the most recent calendar year. However, if you file **fiscal year** income tax returns, the applicable income tax year is the fiscal year shown on your most recent return.

The following taxing jurisdictions have taxable status dates of April 15 or later:

- City of Dunkirk in Chautauqua County
- City of Elmira in Chemung County
- City of Geneva in Ontario County
- City of Glen Cove in Nassau County

- City of Oneida in Madison County
- Cities of Rome and Utica in Oneida County
- Cities of Mount Vernon, New Rochelle, Peekskill, and Rye in Westchester County
- All towns in Westchester County
- Villages of Harrison and Scarsdale in Westchester County

Proof of income

If any owner, or the spouse of any owner, filed a federal income tax return for the applicable income tax calendar year, a copy of the return must be submitted with the application.

Applicants who were not required to file a federal income tax return for the applicable income tax year must submit Form RP-467-Wkst with their application, including any documentation as instructed by Form RP-467-Wkst.

Your assessor may request additional proof of income or deductions.

Age eligibility

Each of the owners of the property must be 65 years of age or over, unless the owners are:

- husband and wife, **or**
- siblings (having at least one common parent) **and**
- one of the owners is at least 65.

Age generally is determined as of the appropriate taxable status date (March 1 in most communities but confirm the date with your assessor).

Some municipalities allow the exemption where an otherwise eligible owner becomes 65 years of age after taxable status date but on or before December 31. Check with your assessor to determine if this option is in effect.

The first time you apply for the exemption, you must give satisfactory proof of your age.

Residency eligibility

The property must be the "legal residence" of, and must be occupied by, all of the owners of the property unless:

- a non-resident owner, who is the spouse or former spouse of the resident owner, is absent from the residence due to divorce, legal separation, or abandonment, or
- An owner is absent from the property while receiving health-related services as an in-patient of a residential health care facility

- During this period, no one other than the spouse or co-owner of the absent co-owner occupies the property (a residential health care facility is a nursing home or other facility that provides lodging, board and physical care including, but not limited to, the recording of health information, dietary supervision and supervised hygienic services).

The property must be used exclusively for residential purposes. However, if a portion of the property is used for other than residential purposes, the exemption will apply only to the portion used exclusively for residential purposes.

SECTION 5. Application Process

- A. Application for such exemption must be made annually by the owner, or all of the owners of the property, on forms prescribed by the state board, and shall be filed in such assessor's office on or before the appropriate taxable status date; provided,
- B. At least sixty days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form 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. Trusts

Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to subdivision one of this section, were such person or persons the owner or owners of such real property.

SECTION 7. Validity

If any section, subsection, paragraph, clause, sentence or phrase of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining portion thereof.

SECTION 8. Effective Date

This local law shall take effect immediately upon filing in the Office of the New York Secretary of State as provided in the New York Municipal Home Rule Law §27.