Senior Citizens' Property Tax Exemption Questions & Answers

Office of the City Assessor

CityofRochester,NewYork

MayorWilliamA.Johnson,Jr.

Q. Whatisthepartialtaxexemptiononreal property ownedbypersons65yearsof age or older?

A. Section467oftheRealPropertyTaxLaw, grantsanexemptionfrom taxationtothe extentof50%oftheassessedvaluationfor county,cityandschooldistricttaxesonreal propertyownedbyseniorcitizenswhomeet certainrequirements.Forthis exemption,the law allows eachlocalitytosetthemaximum incomelimitat$32,400ayear.*

In Rochester,theamountoftheexemption varies basedontheapplicant'sincome.The rangeofexemptionpercentagesand maximumincomes are:

Percentage Exemption	Maximum AnnualIncome
50%	$24,000
45%	$25,000
40%	$26,000
35%	$27,000
30%	$27,900
25%	$28,800
20%	$29,700
15%	$30,600
10%	$31,500
5%	$32,400

In otherwords,intheCityofRochester, seniorcitizenscanhaveyearlyincomesas high as$32,400andstillgeta5%property taxexemption.

Q. Doestheassessorautomaticallygivea taxpayertheexemptionwhenheorshe reaches65yearsofage?

A. No.Thisisnotanautomaticexemption. Certainqualificationsmustbemet.Youmust fileanapplication **each year** withtheCity Bureau ofAssessment.

Q. Where doesthepropertyownergetan application?

A. YoumayobtainanapplicationattheCity Assessor'soffice.Itmustbefiledonor beforetheCityofRochester'sfilingdateof February1,2005.

Q.Cansomeonehelptheropertyownerfill outtheapplicationform?

A.Yes.TheBureauofAssessmentisavailableto assist you.

Q.Whataretherequirementstoqualifyfor theexemption?

A.Therequirementsarebasedonage, ownership status, residency,occupancy and income.

Q.Whataretheagerequirements?

A.Theowneror,iftheropertyisownedby morethanoneperson,alloftheowners (exceptiftheyarehusbandandwifeor siblings), must be65yearsofageoroverby December31,2005.Ifthe husbandandthe wifeorsiblingsownpropertyjointly,onlyone ofthemisrequiredtobe65yearsofageor over.Thereisanexceptiontothisruleinthe eventofthedeathofaspouse.Ifan exemptionhasalreadybeengrantedonthe property,thesurvivormaybeabletoretainit ifheorsheis62yearsofageorover.

Q.Doyouhavetoproveyourage?

A.Yes.Thefirsttimeyouapplyfortheexemption youmustgivesatisfactoryproofofyourage. Theproofshouldbeattachedtothe application,ifpossible.Itispreferredthatyou submitabirthcertificateorbaptismal certificate. Ifthesearenotavailable,an affidavitofagefromtheSocialSecurity Administration,hospitalbirthrecord, marriagerecord,passport,militaryrecord, immigrationdocumentsorotherreliable recordsthatshowyouragewillbe considered. *Pleasesubmit* ***copies*** *only.*

Q.Whataretheownershiprequirements?

A. Inordertoqualifyforthepartialexemption, theapplicantorapplicantsmustshowthat they haveownedtheropertyforatleast12 consecutivemonthsbyFebruary1,2005.In computingthe12monthperiod,theperiod ofownershipis **not** interruptedby:

1. A transferoftitletoonespousefromthe other;
2. A transferoftitletoasurvivingspouse fromadeceasedspouseeitherbywillor operationoflaw;
3. A transferoftitletoaTrustprovidedthe applicant'snameappears in theTrust documentastheBeneficiaryoftheTrust;
4. A transferoftitlethatprovidesfora Life-Useownershipfortheapplicant;
5. A transferoftitletotheformerowner(s), providedthereacquisitionoccurswithin ninemonthsaftertheinitialtransferand theropertywasreceivingthesenior citizens'exemptionasofsuchdate;
6. A transferoftitlesolelytoaperson(s) who maintainedtheropertyasa primary residenceatthetimeofdeathof theformerowner(s),providedthe transfer occurs withinninemonthsafter thedeathoftheformerowner(s),andthe propertywasreceivingthesenior citizens'exemptionasofsuchdate.The periodofownershipofapriorresidence maybeconsideredwhere:

   a. Theropertywassoldby condemnationorotherinvoluntary pro-ceeding(excepttaxsale)and anotherpropertyhasbeenacquiredto replacethetakenproperty;

   b. Thepriorresidencehasbeensoldand a replacement purchasemadewithin oneyearifbothresidencesarewithin theState.

Q. Doyouhavetoprovethatyouownthe property and the lengthoftimeyouhave ownedit?

A. Yes. You may berequiredtoprove ownershipbysubmittingarecordedcopyof thedeed,mortgageorotherinstrumentby whichyoubecametheownerofthe property.

Q. Whataretheresidencyandoccupancy requirements?

A. Thepropertymustbethe"legalresidence" of, and mustbeoccupiedby,alltheowners oftheppropertyunlessanownerisabsent whilereceivinghealthrelatedservicesasan inpatientofaresidentialhealthcarefacility. Thepropertyalsomustbeusedexclusively forresidentialpurposes.However,ifa portionoftheppropertyisusedforotherthan residentialpurposes,theexemptionmay applyonlytotheportionusedexclusively forresidentialpurposes.Forexample,ifpart oftheppropertyisusedasastoreor businessitmayqualifyonlyforthatportion thatisusedexclusivelyforresidential purposes. You may berequiredtoprove residency bysubmittingacopyofyour driver'slicense,voterregistrationoryour cableTV, telephoneorutilitybill.

Q. Ifhusbandandwifejointlyownproperty butarelegallyseparatedordivorcedand only onelivesontheproperty,maythe exemptionbegranted?

A. Yes. Theincomeofthespousenotresiding onthepremiseswillnotbeconsidered.In thecaseofexemptionspreviouslygranted whenbothspousesresidedontheproperty, theapplicantneedonlybe62yearsofage.

Q.WhatisconsideredIncome?

A. IncomeincludesallSocialSecurity payments, pensions,salary andwages (includingbonuses),interest,IRA'sand annuities,totaldividends,netearningsfrom rentals,businessorprofessionalearnings, etc. However,ifanownerisaninpatientat a residentialhealth carefacility, income receivedbysuchownerisconsidered incomeonlytotheextentitexceedsthe amountpaidbytheowner,spouse,orco-ownerforcareatthefacility.

Q. Whatsourcesofincomewouldnotbe included?

A. Examplesofincomenotincludedinthe specified limit wouldbegiftsand inheritances,deathbenefitsreceivedbya beneficiaryunderalifeinsurancepolicy, supplementalsecurityincome, and annuity paymentstotheextentthatthepayments representareturn of thetaxpayer'soriginal investment.

Q. Mustproofofincomebesubmittedwith the application?

A. Yes. IfaFederalorNewYorkStateincome taxreturn(s)wasfiledforanyoftheowners oftheppropertyortheirspousesforthe precedingyear,copiesofsuchreturn(s) shouldbesubmittedwiththeirapplication. Alsorequiredarestatementsofpayments madebytheSocialSecurityAdministration, bankstatements, rentreceipts,orother documentstosubstantiateyourstatement ofincome.

Q. If the property has otherpartial exemptions, suchasthosegrantedthe property of veteransandclergy,willthis property be eligibleforthisexemption?

A. Yes. Theseniorcitizens'exemptionwillbe computedafterallotherpartialexemptions havebeendeducted.

Q. Can the exemption be granted for school taxes if a child resides on the property and attends any public school in the city or in another school district?

A. No. However, if a child residing on the property attends a private or parochial school, the exemption may be granted.

Q. Do I need to apply for the exemption annually?

A. Yes. The Assessor will mail to you a renewal application each year to be returned by the February 1 taxable status date.

Q. Must I apply separately for the School Tax Relief (STAR) exemption?

A. No. If you qualify for the senior citizens' exemption, you will automatically receive the Enhanced STAR exemption. The STAR exemption will be computed after the senior citizens' exemption has been deducted.

If you have any further questions, please call the:
Exemption Hot-Line at
(585) 428-6994
Monday through Friday
9 a.m. to 5 p.m.

Other Programs

Q. Are there other programs available to aid low-income senior citizens with regard to real property taxes or rents?

A. Yes. There are real property tax credits for persons whose real property taxes or rents are high in relation to their income. This law, referred to as the circuit breaker program, is administered by the New York State Department of Taxation and Finance.

Another law makes it possible for persons age 65 or older to keep their houses by paying their property taxes with bank loans. Banks are permitted to make the loans for past, present, and future property tax bills owed on the owner's principal residence.

The Monroe County Office for the Aging, (585) 274-7800, can provide information and assistance with these and other programs.

The City does not discriminate on the basis of handicap status in its programs, activities or employment.

Rochester, NY All-America City 1998

ROCHESTER 2010 THE RENAISSANCE

City of Rochester, New York
William A. Johnson Jr., Mayor

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