

STATE OF NEW YORK

4567

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. CUNNINGHAM -- Multi-Sponsored by -- M. of A. ALVAREZ, BENDETT, CHANG, REYES, STERN -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to granting a real property assessment freeze and property tax freeze for persons sixty-five years of age or older

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

1 Section 1. The real property tax law is amended by adding a new
2 section 467-o to read as follows:

3 § 467-o. Real property assessment freeze and property tax freeze for
4 persons sixty-five years of age or older. 1. (a) The governing board of
5 any municipality may, by local law, ordinance or resolution grant a real
6 property assessment freeze and property tax freeze for qualifying real
7 property owned and occupied by one or more persons, each of whom is
8 sixty-five years of age or older, or qualifying real property owned and
9 occupied by spouse or by siblings, one of whom is sixty-five years of
10 age or older. For purposes of this section, "sibling" shall mean each of
11 two or more children having one or both parents in common, whether
12 related through half blood, whole blood or adoption.

13 (b) Any city of one million or more persons may, by local law, grant a
14 tax assessment freeze for qualifying real property owned and occupied by
15 the child or children of a deceased owner, pursuant to residency
16 requirements outlined in subparagraph (B) of paragraph one of subsection
17 (b) of section six hundred five of the tax law and income requirements
18 outlined in paragraph (d) of this subdivision. This assessment freeze
19 shall not be transferable to successive owners and shall not be claimed
20 by more than one joint owner for the same primary residence in the same
21 year. This assessment freeze cannot be combined with other property tax
22 exemptions or credits. For the purposes of this section, the terms

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

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1 "child" and "children" shall mean the offspring of a person, whether by
2 blood or adoption.

3 (c) For the purposes of this section, "qualifying real property" shall
4 mean a one, two or three family residence, a farm dwelling or residen-
5 tial property held in a condominium or cooperative form of ownership and
6 located in this state. If the property is not an eligible type of prop-
7 erty, but a portion of the property is partially used by the owner as a
8 primary residence, that portion which is so used shall be entitled to
9 the real property assessment freeze and property tax freeze provided by
10 this section; provided that in no event shall the taxes for such proper-
11 ty be frozen in an amount that exceeds the assessed value attributable
12 to that portion. The primary residence and occupancy requirement shall
13 be waived if the qualifying person or persons are absent from the prop-
14 erty due to medical reasons or institutionalization.

15 (d) Application for a real property assessment freeze and property tax
16 freeze shall be made annually to the municipality by the owner or owners
17 of such real property. No application for such real property assessment
18 freeze and property tax freeze shall be granted to any owner with a
19 total income exceeding fifty-eight thousand four hundred dollars. For
20 purposes of this section, "income" shall mean the gross income of the
21 owner or owners of such property for the income tax year immediately
22 preceding the date of application for such real property assessment
23 freeze and property tax freeze and shall include social security and
24 retirement benefits, interest, dividends, total gain from the sale or
25 exchange of a capital asset which may be offset by a loss from the sale
26 or exchange of a capital asset in the same income tax year, net rental
27 income, earned income from salary or earnings and net income from self-
28 employment, but shall not include a return of capital, gifts or inheri-
29 tances. The age of each owner of such property shall be the age of such
30 person at the commencement of the municipality's fiscal year for which
31 an application for such real property assessment freeze and property tax
32 freeze is made.

33 2. Qualifying real property taxes shall be frozen in the amounts paya-
34 ble at the time such application for a property tax freeze is made. Real
35 property tax assessments shall freeze the assessed value of qualifying
36 real property for a certain period of time to be determined by the muni-
37 cipality. The assessed value of such qualifying property shall remain
38 frozen regardless if future property values increase or decrease.

39 3. The amount of property taxes that are frozen shall accrue against
40 such person, without interest, and shall, on the date such property tax
41 freeze is granted, constitute a lien against such property in favor of
42 the appropriate municipal corporation. The owner or owners of such prop-
43 erty, having received such property tax freeze pursuant to this section,
44 may, at any time, terminate the property tax freeze and remove the
45 resultant lien on said property by paying in full the cumulative amount
46 of such lien.

47 4. A real property assessment freeze and a property tax freeze granted
48 to a spouse pursuant to this section, once granted, shall not be
49 rescinded solely because of the death of the older spouse so long as the
50 surviving spouse is at least sixty-two years of age. In the event that
51 the surviving spouse is less than sixty-two years of age, such surviving
52 spouse shall be eligible for the real property assessment freeze and
53 property tax freeze upon reaching sixty-two years of age provided all
54 other eligibility requirements are met.

55 5. Any person who has already attained the age of sixty-five years or
56 older is eligible for such real property assessment freeze and property

1 tax freeze and shall be entitled to a real property assessment freeze
2 and property tax freeze based on the tax year immediately preceding the
3 effective date of this section.

4 6. A city of one million or more persons may, by local law, determine
5 whether a recipient of the assessment freeze, if the qualified real
6 property is rendered uninhabitable or unusable by a casualty or natural
7 disaster, remains eligible to receive the assessment freeze for the
8 property while the owner constructs a replacement qualified real proper-
9 ty on the land if the owner does not establish a different primary resi-
10 dence for which the owner receives an assessment freeze during that
11 period and intends to return and occupy the property as the owner's
12 primary residence. To continue to receive such freeze, the owner shall
13 begin active construction of the replacement qualified real property or
14 other physical preparation of the site on which the property is to be
15 located not later than one year after the date the owner ceases to occu-
16 py the former qualified residential structure as the owner's primary
17 residence. Should the cost of remodeling exceed fifteen thousand
18 dollars, the city may, by local law, determine whether to continue to
19 claim this assessment freeze.

20 7. The freeze period shall expire when either no eligible person
21 remains in the property, or when the beneficiary of the freeze fails to
22 reapply for such freeze; provided, however, that the municipality shall
23 provide a notice sixty days prior to the annual reapplication deadline
24 via United States Postal Service to the beneficiary's primary residence;
25 provided further, that a real property assessment freeze period shall
26 also expire upon the renovation, construction or demolition of qualify-
27 ing real property that results in a change to the cash value of such
28 property of more than ten thousand dollars or a value established by the
29 municipality.

30 8. Upon the expiration of the property tax freeze period, the munici-
31 pality may collect upon the lien utilizing the procedures for enforce-
32 ment of collection of delinquent taxes pursuant to article eleven of
33 this chapter.

34 9. A city of one million or more persons shall post announcements,
35 both by publication and electronically, if they offer this tax assess-
36 ment freeze.

37 10. Any conviction of having made any willful false statement in the
38 application for such freeze, shall be punishable by a fine of not more
39 than one hundred dollars and shall disqualify the applicant or appli-
40 cants from further freezes for a period of five years.

41 § 2. This act shall take effect on the one hundred eightieth day after
42 it shall have become a law.