

# STATE OF NEW YORK

6929

2017-2018 Regular Sessions

## IN SENATE

October 25, 2017

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the real property tax law, in relation to granting a tax deferment for persons sixty-five years of age or older who reside in a city having a population of one million or more persons

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-k to read as follows:

3 § 467-k. Deferral of real property tax for persons sixty-five years of  
4 age or older residing in a city having a population of one million or  
5 more persons. 1. (a) Any city of one million or more persons may, by  
6 local law, grant a tax deferment for real property owned and occupied by  
7 one or more persons, each of whom is sixty-five years of age or older,  
8 or real property owned and occupied by husband and wife or by siblings,  
9 one of whom is sixty-five years of age or older. For purposes of this  
10 section, "sibling" shall mean a brother or a sister, whether related  
11 through half blood, whole blood or adoption.

12 (b) Application for such deferment shall be made annually by the owner  
13 or owners of such real property. No application for such deferment shall  
14 be granted to any owner with a total income exceeding fifty-eight thou-  
15 sand four hundred dollars. For purposes of this section, "income" shall  
16 mean the gross income of the owner or owners of such property for the  
17 income tax year immediately preceding the date of application for such  
18 deferment and shall include social security and retirement benefits,  
19 interest, dividends, total gain from the sale or exchange of a capital  
20 asset which may be offset by a loss from the sale or exchange of a capi-  
21 tal asset in the same income tax year, net rental income, earned income  
22 from salary or earnings and net income from self-employment, but shall  
23 not include a return of capital, gifts or inheritances. The age of each  
24 owner of such property shall be the age of such person at the commence-

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

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1 ment of the city's fiscal year for which an application for tax defer-  
2 ment is made.

3 2. Such deferment shall equal the total per centum of the deferment  
4 base. For purposes of this section, "deferment base" shall mean the  
5 increase in real property tax attributable to the increase in the  
6 assessed value of such property from the tax year immediately preceding  
7 the year in which such person reached the age of sixty-five years to the  
8 tax year for which an application for tax deferment is made.

9 3. The amount of taxes deferred shall accrue against such person,  
10 without interest, and shall, on the date such deferment is granted,  
11 constitute a lien against such property in favor of the appropriate  
12 municipal corporation. The owner or owners of such property, having  
13 received such deferment pursuant to this section, may, at any time,  
14 terminate the deferment and remove the resultant lien on said property  
15 by paying in full the cumulative amount of such lien.

16 4. A tax deferment granted to a husband and wife pursuant to this  
17 section, once granted, shall not be rescinded solely because of the  
18 death of the older spouse so long as the surviving spouse is at least  
19 sixty-two years of age. In the event that the surviving spouse is less  
20 than sixty-two years of age, such surviving spouse shall be eligible for  
21 the tax deferment upon reaching sixty-two years of age provided all  
22 other eligibility requirements are met.

23 5. Any person who has already attained the age of sixty-five years or  
24 older is eligible for such deferral and shall be entitled to a tax  
25 deferment based on the tax year immediately preceding the effective date  
26 of this section.

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