

# STATE OF NEW YORK

103

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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

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 467-1 to read as follows:

3 § 467-1. 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 qualifying real property owned and  
7 occupied by one or more persons, each of whom is sixty-five years of age  
8 or older, or qualifying real property owned and occupied by husband and  
9 wife or by siblings, one of whom is sixty-five years of age or older.  
10 For purposes of this section, "sibling" shall mean a brother or a  
11 sister, whether related through half blood, whole blood or adoption.

12 (b) For the purposes of this section, "qualifying real property" shall  
13 mean a one, two or three family residence, a farm dwelling or residen-  
14 tial property held in condominium or cooperative form of ownership. If  
15 the property is not an eligible type of property, but a portion of the  
16 property is partially used by the owner as a primary residence, that  
17 portion which is so used shall be entitled to the deferment provided by  
18 this section; provided that in no event shall the deferment exceed the  
19 assessed value attributable to that portion. The primary residence and  
20 occupancy requirement shall be waived if the qualifying person or  
21 persons are absent from the property due to medical reasons or institu-  
22 tionalization.

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

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1     (c) Application for such deferment shall be made annually by the owner  
2     or owners of such real property. No application for such deferment shall  
3     be granted to any owner with a total income exceeding fifty-eight thou-  
4     sand four hundred dollars. For purposes of this section, "income" shall  
5     mean the gross income of the owner or owners of such property for the  
6     income tax year immediately preceding the date of application for such  
7     deferment and shall include social security and retirement benefits,  
8     interest, dividends, total gain from the sale or exchange of a capital  
9     asset which may be offset by a loss from the sale or exchange of a capi-  
10    tal asset in the same income tax year, net rental income, earned income  
11    from salary or earnings and net income from self-employment, but shall  
12    not include a return of capital, gifts or inheritances. The age of each  
13    owner of such property shall be the age of such person at the commence-  
14    ment of the city's fiscal year for which an application for tax defer-  
15    ment is made.

16    2. Such deferment shall equal the total per centum of the deferment  
17    base. For purposes of this section, "deferment base" shall mean any  
18    increase in real property tax from the tax year immediately preceding  
19    the year in which such person reached the age of sixty-five years to the  
20    tax year for which an application for tax deferment is made.

21    3. The amount of taxes deferred shall accrue against such person,  
22    without interest, and shall, on the date such deferment is granted,  
23    constitute a lien against such property in favor of the appropriate  
24    municipal corporation. The owner or owners of such property, having  
25    received such deferment pursuant to this section, may, at any time,  
26    terminate the deferment and remove the resultant lien on said property  
27    by paying in full the cumulative amount of such lien.

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

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

39    6. The deferment period will expire when either no eligible person  
40    remains in the property, or when the beneficiary of the deferment fails  
41    to reapply for such deferment; provided, however, that the municipality  
42    must provide a notice sixty days prior to the annual reapplication dead-  
43    line via United States Postal Service to the beneficiary's primary resi-  
44    dence. Upon the expiration of the deferment period, the municipal corpo-  
45    ration may collect upon the lien utilizing its standard procedures for  
46    tax liens and tax sales pursuant to chapter three of title eleven of the  
47    administrative code of the city of New York.

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