

STATE OF NEW YORK

4567--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to permitting persons sixty-five years of age or older to be granted a real property tax freeze in a city with a population of one million or more

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 tax freeze for persons sixty-five years of age
4 or older. 1. (a) The governing board of any city having a population of
5 one million or more may, by local law, ordinance or resolution grant a
6 real property tax freeze for qualifying real property owned and occupied
7 by one or more persons, each of whom is sixty-five years of age or
8 older, or qualifying real property owned and occupied by spouses or by
9 siblings, one of whom is sixty-five years of age or older. For purposes
10 of this section, "sibling" shall mean any sibling, whether related
11 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 a condominium or cooperative form of ownership and
15 located in this state. If the property is not an eligible type of prop-
16 erty, but a portion of the property is partially used by the owner as a
17 primary residence, that portion which is so used shall be entitled to
18 the real property tax freeze provided by this section; provided that in
19 no event shall the taxes for such property be frozen in an amount that
20 exceeds the assessed value attributable to that portion. The primary
21 residence and occupancy requirement shall be waived if the qualifying

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

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1 person or persons are absent from the property due to medical reasons or
2 institutionalization.

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

19 2. Qualifying real property taxes shall be frozen in the amounts paya-
20 ble at the time such application for a property tax freeze is made.

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

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

36 5. Any person who has already attained the age of sixty-five years or
37 older is eligible for such real property tax freeze and shall be enti-
38 tled to a real property tax freeze based on the tax year immediately
39 preceding the effective date of this section.

40 6. The freeze period shall expire when either no eligible person
41 remains in the property, or when the beneficiary of the freeze fails to
42 reapply for such freeze; provided, however, that the city shall provide
43 a notice sixty days prior to the annual reapplication deadline via
44 United States Postal Service to the beneficiary's primary residence.

45 7. Upon the expiration of the property tax freeze period, the lien put
46 on such property under subdivision three of this section shall be paid
47 by the current owner or owners of such property or the city may collect
48 upon the lien utilizing the procedures for enforcement of collection of
49 delinquent taxes pursuant to article eleven of this chapter.

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

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