

STATE OF NEW YORK

1155

2025-2026 Regular Sessions

IN SENATE

January 8, 2025

Introduced by Sens. OBERACKER, BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to establishing a real property tax exemption for certain persons sixty years of age and over

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 461 to read as follows:

3 § 461. Persons sixty years of age and over. 1. (a) Real property owned
4 by one or more persons, each of whom is sixty years of age or over, or
5 real property owned by married persons, one of whom is sixty years of
6 age or over with an annual household income not exceeding one hundred
7 thousand dollars, shall be exempt from taxation by any municipal corpo-
8 ration in which located to the extent provided pursuant to paragraph (b)
9 of this subdivision.

10 (b) The exemption provided by this section shall be one hundred
11 percent of the assessed valuation for assessment rolls prepared on the
12 basis of taxable status dates occurring during the year two thousand
13 twenty-five and thereafter.

14 (c) The real property tax exemption on real property owned by married
15 persons, one of whom is sixty years of age or over, once granted, shall
16 not be rescinded by any municipal corporation solely because of the
17 death of the older spouse so long as the surviving spouse is at least
18 sixty years of age.

19 2. Exemption from taxation for school purposes shall not be granted
20 in the case of real property where a child resides if such child attends
21 a public school of elementary or secondary education.

22 3. No exemption shall be granted:

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

LBD03471-01-5

1 (a) unless the owner shall have held an exemption under this section
2 for their previous residence or unless the title of the property shall
3 have been vested in the owner or one of the owners of the property for
4 at least twelve consecutive months prior to the date of making applica-
5 tion for exemption, provided, however, that in the event of the death of
6 either spouse in whose name title of the property shall have been vested
7 at the time of death and then becomes vested solely in the survivor by
8 virtue of devise by or descent from the deceased spouse, the time of
9 ownership of the property by the deceased spouse shall be deemed also a
10 time of ownership by the survivor and such ownership shall be deemed
11 continuous for the purposes of computing such period of twelve consec-
12 utive months. In the event of a transfer by one spouse to the other
13 spouse of all or part of the title to the property, the time of owner-
14 ship of the property by the transferor spouse shall be deemed also a
15 time of ownership by the transferee spouse and such ownership shall be
16 deemed continuous for the purposes of computing such period of twelve
17 consecutive months. Where property of the owner or owners has been
18 acquired to replace property formerly owned by such owner or owners and
19 taken by eminent domain or other involuntary proceeding, except a tax
20 sale, the period of ownership of the former property shall be combined
21 with the period of ownership of the property for which application is
22 made for exemption and such periods of ownership shall be deemed to be
23 consecutive for purposes of this section. Where a residence is sold and
24 replaced with another within one year and both residences are within the
25 state, the period of ownership of both properties shall be deemed
26 consecutive for purposes of the exemption from taxation by a municip-
27 ality. Where the owner or owners transfer title to property which as of
28 the date of transfer was exempt from taxation under the provisions of
29 this section, the reacquisition of title by such owner or owners within
30 nine months of the date of transfer shall be deemed to satisfy the
31 requirement of this paragraph that the title of the property shall have
32 been vested in the owner or one of the owners for such period of twelve
33 consecutive months. Where, upon or subsequent to the death of an owner
34 or owners, title to property which as of the date of such death was
35 exempt from taxation under such provisions, becomes vested, by virtue of
36 devise or descent from the deceased owner or owners, or by transfer by
37 any other means within nine months after such death, solely in a person
38 or persons who, at the time of such death, maintained such property as a
39 primary residence, the requirement of this paragraph that the title of
40 the property shall have been vested in the owner or one of the owners
41 for such period of twelve consecutive months shall be deemed satisfied;

42 (b) unless the property is used exclusively for residential purposes,
43 provided, however, that in the event any portion of such property is not
44 so used exclusively for residential purposes but is used for other
45 purposes, such portion shall be subject to taxation and the remaining
46 portion only shall be entitled to the exemption provided by this
47 section;

48 (c) unless the real property is the legal residence of and is occupied
49 in whole or in part by the owner or by all of the owners of the proper-
50 ty: except where, (i) an owner is absent from the residence while
51 receiving health-related care as an inpatient of a residential health
52 care facility, as defined in section twenty-eight hundred one of the
53 public health law, provided that any income accruing to that person
54 shall only be income only to the extent that it exceeds the amount paid
55 by such owner, spouse, or co-owner for care in the facility, and
56 provided further, that during such confinement such property is not

1 occupied by other than the spouse or co-owner of such owner; or, (ii)
2 the real property is owned by a spouse, or an ex-spouse, and either is
3 absent from the residence due to divorce, legal separation or abandon-
4 ment and all other provisions of this section are met provided that
5 where an exemption was previously granted when both resided on the prop-
6 erty, then the person remaining on the real property shall be seventy
7 years of age or over.

8 4. (a) For the purposes of this section, title to that portion of real
9 property owned by a cooperative apartment corporation in which a
10 tenant-stockholder of such corporation resides and which is represented
11 by their share or shares of stock in such corporation as determined by
12 its or their proportional relationship to the total outstanding stock of
13 the corporation, including that owned by the corporation, shall be
14 deemed to be vested in such tenant-stockholder.

15 (b) That proportion of the assessment of such real property owned by a
16 cooperative apartment corporation determined by the relationship of such
17 real property vested in such tenant-stockholder to such entire parcel
18 and the buildings thereon owned by such cooperative apartment corpo-
19 ration in which such tenant-stockholder resides shall be subject to
20 exemption from taxation pursuant to this section and any exemption so
21 granted shall be credited by the appropriate taxing authority against
22 the assessed valuation of such real property; the reduction in real
23 property taxes realized thereby shall be credited by the cooperative
24 apartment corporation against the amount of such taxes otherwise payable
25 by or chargeable to such tenant-stockholder.

26 5. Every municipal corporation in which such real property is located
27 shall notify, or cause to be notified, each person owning residential
28 real property in such municipal corporation of the provisions of this
29 section. The provisions of this subdivision may be met by a notice or
30 legend sent on or with each tax bill to such persons reading "You may be
31 eligible for tax exemptions for persons sixty years of age and over.
32 Such persons have until month....., day....., year....., to
33 apply for such exemptions. For information please call or write....",
34 followed by the name, telephone number and/or address of a person or
35 department selected by the municipal corporation to explain the
36 provisions of this section. Each cooperative apartment corporation shall
37 notify each tenant-stockholder thereof in residence of such provisions
38 as set forth in this subdivision. Failure to notify, or cause to be
39 notified any person who is in fact, eligible to receive the exemption
40 provided by this section or the failure of such person to receive the
41 same shall not prevent the levy, collection and enforcement of the
42 payment of the taxes on property owned by such person.

43 6. Application for such exemption shall be made by the owner, or all
44 of the owners of the property, on forms prescribed by the commission to
45 be furnished by the appropriate assessing authority and shall furnish
46 the information and be executed in the manner required or prescribed in
47 such forms, and shall be filed in such assessor's office on or before
48 the appropriate taxable status date. Notwithstanding any other provision
49 of law, any person otherwise qualifying under this section shall not be
50 denied the exemption under this section if such person becomes sixty
51 years of age after the appropriate taxable status date and on or before
52 December thirty-first of the same year.

53 7. An application for such exemption may be filed with the assessor
54 after the appropriate taxable status date but not later than the last
55 date on which a petition with respect to complaints of assessment may be
56 filed, where failure to file a timely application resulted from: (a) a

1 death of the applicant's spouse, child, parent, sibling; or (b) an
2 illness of the applicant or of the applicant's spouse, child, parent,
3 sibling, which actually prevents the applicant from filing on a timely
4 basis, as certified by a licensed physician. The assessor shall approve
5 or deny such application as if it had been filed on or before the taxa-
6 ble status date.

7 8. Notwithstanding the provisions of this section or any other
8 provision of law, a county with an annual taxable status date of January
9 first or January second and with a population of one million or more,
10 may, at its option and by amendment or adoption of a local law or ordi-
11 nance, authorize its assessor to accept applications for the exemption
12 from real property taxes authorized pursuant to this section on a date
13 later than such county's statutory deadline date for receiving applica-
14 tions for such exemption. Any application filed later than such statuto-
15 ry deadline date which is in compliance with such local law or ordinance
16 amended or adopted pursuant to this subdivision and which meets all
17 other necessary requirements for granting the exemption authorized by
18 this section shall be deemed to have been timely filed prior to such
19 statutory deadline date, and any individual or individuals for whom such
20 an application has been filed shall be granted such exemption and shall
21 receive such exemption on the assessment rolls prepared for such county
22 on the basis of the taxable status date immediately preceding the date
23 such application was filed.

24 9. Notwithstanding the provisions of this section or any other
25 provision of law, in a city having a population of one million or more,
26 applications for the exemption authorized pursuant to this section shall
27 be considered timely filed if they are filed on or before the fifteenth
28 day of March of the appropriate year.

29 10. (a) The exemption granted pursuant to this section shall remain in
30 effect until discontinued in the manner provided in this section.

31 (b) The assessor shall discontinue any exemption granted pursuant to
32 this section if it appears that: (i) the property may not be the primary
33 residence of the owner or owners who applied for the exemption, (ii)
34 title to the property has been transferred to a new owner or owners,
35 (iii) the owners fail to satisfy the income limitations, or (iv) the
36 property otherwise may no longer be eligible for the exemption.

37 (c) Upon determining that an exemption granted pursuant to this
38 section should be discontinued, the assessor shall mail a notice so
39 stating to the owner or owners thereof at the time and in the manner
40 provided by section five hundred ten of this chapter. Such owner or
41 owners shall be entitled to seek administrative and judicial review of
42 such action in the manner provided by law, provided, that the burden
43 shall be on such owner or owners to establish eligibility for the
44 exemption.

45 11. Any conviction of having made any wilful false statement in the
46 application for such exemption, shall be punishable by a fine of not
47 more than one hundred dollars and shall disqualify the applicant or
48 applicants from further exemption for a period of five years.

49 12. Notwithstanding any other provision of law to the contrary, the
50 provisions of this section shall apply to real property in which a
51 person or persons hold a legal life estate or which is held in trust
52 solely for the benefit of a person or persons if such person or persons
53 would otherwise be eligible for a real property tax exemption, pursuant
54 to subdivision one of this section, were such person or persons the
55 owner or owners of such real property.

1 § 2. The state shall reimburse municipalities for all revenue lost as
2 a result of real property tax exemptions granted pursuant to section 461
3 of the real property tax law, as added by section one of this act. The
4 comptroller shall provide an application procedure and promulgate rules
5 and regulations for the processing of claims by municipalities.

6 § 3. This act shall take effect immediately.