

STATE OF NEW YORK

416

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. SHIMSKY -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to assessment relief for victims of a local or major disaster in an eligible municipality; to repeal section 467-n of the real property tax law, relating to assessment relief for disasters; and to amend a chapter of the laws of 2024 amending the real property tax law relating to enacting the "climate change property tax relief act", as proposed in legislative bills numbers S. 7515-A and A. 7748-B, in relation to the effectiveness thereof

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

1 Section 1. Section 467-n of the real property tax law, as added by a
2 chapter of the laws of 2024 amending the real property tax law relating
3 to enacting the "climate change property tax relief act", as proposed in
4 legislative bills numbers S. 7515-A and A. 7748-B, is REPEALED and a new
5 section 467-n is added to read as follows:

6 § 467-n. Assessment relief for disasters. 1. Definitions. For the
7 purposes of this section, the following terms shall have the following
8 meanings:

9 (a) "Eligible municipality" shall mean a county, a city other than a
10 city with a population of one million or more, a town, a village, a
11 school district, or a special district that has been impacted by a major
12 or local disaster.

13 (b) "Eligible property" shall mean residential real property consist-
14 ing of three or fewer dwelling units that have been impacted by a major
15 or local disaster where at least one of such units had been owner-occu-
16 pied immediately before such disaster occurred; provided, however, that
17 property that has been transferred to a new owner after the occurrence
18 of the major or local disaster and prior to relief being granted pursu-

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

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ant to this section shall not be considered eligible property for purposes of this section whether or not it is owner-occupied. Where the local law, ordinance or resolution authorizing the exemption explicitly so provides, the term "eligible property" shall also include a small business as defined in section one hundred thirty-one of the economic development law; provided however, that such eligible property must be occupied by the small business owner; and provided further, that participating municipalities may provide, via local law, ordinance or resolution, additional qualifications that a small business must satisfy to receive the exemption provided for by this section.

(c) "Impacted tax roll" shall mean the final assessment roll that satisfies both of the following conditions: (i) the roll is based upon a taxable status date occurring prior to a major or local disaster; and (ii) taxes levied upon that roll by or on behalf of a participating municipality are payable without interest on or after the date of the disaster; provided however, that the interest due from an individual property owner impacted by a major or local disaster shall not impact such property owner's eligibility for relief pursuant to this section; and provided further, that the exemption provided for by this section shall not affect interest or penalties due as the result of a delinquency.

(d) "Improved value" shall mean the market value of the real property improvements prior to the reduction in value resulting from damage incurred to such improvements during a major or local disaster, excluding the land.

(e) "Local disaster" shall mean the occurrence or imminent, impending or urgent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, disease outbreak, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse, occurring in an area or region that is proclaimed to be in a local state of emergency pursuant to section twenty-four of the executive law; provided however, where damages occurred between January 1, 2020 and six months after the effective date of this section, a local disaster will be presumed to have occurred pursuant to this paragraph regardless of whether or not a local state of emergency was proclaimed pursuant to section twenty-four of the executive law, if:

(i) the occurrence otherwise conforms with the local disaster definition contained herein; and

(ii) the local law, ordinance or resolution that is adopted authorizing an exemption pursuant to this section so declares a local disaster to have occurred during such period for purposes of this section.

(f) "Major disaster" shall mean the occurrence or imminent, impending or urgent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, disease outbreak, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse, occurring in an area or region that is subsequently proclaimed to be impacted by a state disaster emergency

1 declared by the governor pursuant to section twenty-eight of the execu-
2 tive law, or by a major disaster or an emergency declared by the presi-
3 dent of the United States pursuant to chapter sixty-eight of title
4 forty-two of the United States code.

5 (g) "Maximum benefit ceiling" shall mean the maximum exemption from
6 real property taxes expressed in a dollar amount that an eligible prop-
7 erty may receive on each tax roll pursuant to this section, as specified
8 in the local law, ordinance or resolution authorizing the exemption.

9 (h) "Minimum damage floor" shall mean the minimum loss of assessed
10 value to an eligible property, expressed as a percentage of the total
11 assessed value lost that must be demonstrated in order for the property
12 to be eligible for an exemption pursuant to this section, as specified
13 in the local law, ordinance or resolution authorizing the exemption. A
14 participating municipality shall not specify a minimum damage floor
15 above fifty percent. Where a participating municipality does not specify
16 a minimum damage floor, the minimum damage floor shall be fifty percent.

17 (i) "Participating municipality" shall mean an eligible municipality
18 that has passed a local law, ordinance, or resolution to provide assess-
19 ment relief to owners of eligible properties within such eligible muni-
20 cipality pursuant to the provisions of this section.

21 (j) "Participating property" shall mean an eligible property in a
22 participating municipality that is granted assessment relief pursuant to
23 this section.

24 (k) "Total assessed value" shall mean the total assessed value of the
25 parcel prior to any and all exemption adjustments.

26 2. Local option. (a) After a major or local disaster as defined by
27 this section, the governing body of an eligible municipality may author-
28 ize assessment relief for eligible properties after conducting a public
29 hearing, by adopting a local law, ordinance or, in the case of a school
30 district, a resolution adopting the provisions of this section.

31 (b) Such local law, ordinance or resolution shall identify the major
32 or local disaster or disasters to which it pertains, provided that no
33 such local law, ordinance or resolution shall apply to a major or local
34 disaster that occurred prior to January first, two thousand twenty. Such
35 local law, ordinance or resolution shall include a deadline by which
36 applications for relief pursuant to this section must be submitted in
37 order to be considered. If no deadline is specified, such applications
38 may be submitted until the local law, ordinance or resolution authoriz-
39 ing the exemption is either repealed or amended to specify a deadline.

40 (c) Such local law, ordinance or resolution may also specify a minimum
41 damage floor and a maximum benefit ceiling.

42 (d) Such local law, ordinance or resolution shall also specify how
43 many prospective tax years, if any, beyond the impacted tax roll that
44 the exemption shall apply for; provided however, that the exemption may
45 be provided for a maximum of four prospective tax years following the
46 impacted tax roll; and provided further, that such local law, ordinance
47 or resolution may provide for a distinct number of years the exemption
48 shall be provided applicable to each damage bracket.

49 (e) Such local law, ordinance or resolution shall also provide an
50 address to which assessors shall mail written notice pursuant to para-
51 graph (d) of subdivision three of this section.

52 3. Assessment relief for disaster victims in an eligible municipality.
53 (a) Notwithstanding any provision of law to the contrary, where real
54 property is impacted by a major or local disaster, and such property is
55 located within a participating municipality, assessment relief shall be
56 granted as follows:

1 (i) If a participating municipality has elected to provide assessment
2 relief for real property that lost at least ten percent but less than
3 twenty percent of its improved value due to a disaster, the assessed
4 value attributable to the improvements shall be reduced by fifteen
5 percent of the property's improved value for purposes of the participat-
6 ing municipality on the impacted tax roll, and for up to four prospec-
7 tive tax years, as provided for by local law, ordinance or resolution.

8 (ii) If a participating municipality has elected to provide assessment
9 relief for real property that lost at least twenty percent but less than
10 thirty percent of its improved value due to a disaster, the assessed
11 value attributable to the improvements shall be reduced by twenty-five
12 percent of the property's improved value for purposes of the participat-
13 ing municipality on the impacted tax roll, and for up to four prospec-
14 tive tax years, as provided for by local law, ordinance or resolution.

15 (iii) If a participating municipality has elected to provide assess-
16 ment relief for real property that lost at least thirty percent but less
17 than forty percent of its improved value due to a disaster, the assessed
18 value attributable to the improvements shall be reduced by thirty-five
19 percent of the property's improved value for purposes of the participat-
20 ing municipality on the impacted tax roll, and for up to four prospec-
21 tive tax years, as provided for by local law, ordinance or resolution.

22 (iv) If a participating municipality has elected to provide assessment
23 relief for real property that lost at least forty percent but less than
24 fifty percent of its improved value due to a disaster, the assessed
25 value attributable to the improvements shall be reduced by forty-five
26 percent of the property's improved value for purposes of the participat-
27 ing municipality on the impacted tax roll, and for up to four prospec-
28 tive tax years, as provided for by local law, ordinance or resolution.

29 (v) If the property lost at least fifty but less than sixty percent of
30 its improved value due to a disaster, the assessed value attributable to
31 the improvements shall be reduced by fifty-five percent of the proper-
32 ty's improved value for purposes of the participating municipality on
33 the impacted tax roll, and for up to four prospective tax years, as
34 provided for by local law, ordinance or resolution.

35 (vi) If the property lost at least sixty but less than seventy percent
36 of its improved value due to a disaster, the assessed value attributable
37 to the improvements shall be reduced by sixty-five percent of the prop-
38 erty's improved value for purposes of the participating municipality on
39 the impacted tax roll, and for up to four prospective tax years, as
40 provided for by local law, ordinance or resolution.

41 (vii) If the property lost at least seventy but less than eighty
42 percent of its improved value due to a disaster, the assessed value
43 attributable to the improvements shall be reduced by seventy-five
44 percent of the property's improved value for purposes of the participat-
45 ing municipality on the impacted tax roll, and for up to four prospec-
46 tive tax years, as provided for by local law, ordinance or resolution.

47 (viii) If the property lost at least eighty but less than ninety
48 percent of its improved value due to a disaster, the assessed value
49 attributable to the improvements shall be reduced by eighty-five percent
50 of the property's improved value for purposes of the participating muni-
51 cipality on the impacted tax roll, and for up to four prospective tax
52 years, as provided for by local law, ordinance or resolution.

53 (ix) If the property lost at least ninety but less than one hundred
54 percent of its improved value due to a disaster, the assessed value
55 attributable to the improvements shall be reduced by ninety-five percent
56 of the property's improved value for purposes of the participating muni-

1 cipality on the impacted tax roll, and for up to four prospective tax
2 years, as provided for by local law, ordinance or resolution.

3 (x) If the property lost one hundred percent of its improved value due
4 to a disaster, the assessed value attributable to the improvements shall
5 be reduced by one hundred percent of the property's improved value for
6 purposes of the participating municipality on the impacted tax roll, and
7 for up to four prospective tax years, as provided for by local law,
8 ordinance or resolution.

9 (xi) If an eligible property is declared uninhabitable by a local
10 building inspector or condemned by the participating municipality as a
11 result of a local or major disaster, or the process for making such
12 declaration or condemnation is initiated in a participating muni-
13 cipality, in either case, due to health and safety concerns resulting from
14 such disaster, irrespective of the minimum damage floor provided for in
15 the local law, ordinance or resolution opting into this section, the
16 participating property shall receive a one hundred percent exemption,
17 subject to the maximum benefit ceiling, on the impacted tax roll, and
18 for up to four prospective tax years, as provided for by local law,
19 ordinance or resolution; provided however, that such exemption shall
20 apply only for the period during which such property is uninhabitable or
21 condemned; and provided further, that this subparagraph shall apply only
22 if a local law, ordinance or resolution provides that this subparagraph
23 shall apply.

24 (xii) The percentage loss in improved value for this purpose shall be
25 determined by the assessor in the manner provided by this section,
26 subject to review by the board of assessment review.

27 (xiii) Where the assessed value of a property is reduced pursuant to
28 this section, the difference between the property's assessed value and
29 its reduced assessed value shall be exempt from taxation. No reduction
30 in assessed value shall be granted pursuant to this section except as
31 specified above. No reduction in assessed value shall be granted pursu-
32 ant to this section for purposes of any county, city, town, village,
33 school district, or special district that has not adopted the provisions
34 of this section; provided however, that in the case of a town special
35 district or county special district, the town or county within which
36 such district is established shall be authorized to pass a local law,
37 ordinance or resolution providing an exemption for the ad valorem levies
38 established by such district; and provided further, that for a non-town
39 or a non-county special district, such special district shall retain the
40 authority to opt into this section.

41 (b) To receive such relief pursuant to this section, a property owner
42 in a participating municipality shall submit a written request to the
43 assessor on a form prescribed by the commissioner on or before the dead-
44 line for applying for the exemption, as set forth in the local law,
45 ordinance or resolution authorizing the exemption. Such request shall
46 attach any and all determinations by the Federal Emergency Management
47 Agency, and any and all reports by an insurance adjuster, shall describe
48 in reasonable detail the damage caused to the property by the disaster
49 and the condition of the property following the disaster, and shall be
50 accompanied by supporting documentation, if available. In addition to
51 any and all determinations by the Federal Emergency Management Agency,
52 and any and all reports by an insurance adjuster, a homeowner may
53 provide evidence of damage to the local assessor as part of the applica-
54 tion, by submission of any of the following, provided that the local
55 assessor may take the necessary steps to confirm the validity of such
56 documentation; and provided further, that such local law, ordinance, or

1 resolution passed pursuant to this section may specify that any or all
2 document categories shall be notarized:

3 (i) assessment or reassessment by the eligible county or municipality;

4 (ii) private appraisal;

5 (iii) documentation provided by such homeowner's insurance company;

6 (iv) documentation provided by a public adjuster as defined in para-

7 graph two of subsection (g) of section twenty-one hundred one of the

8 insurance law, if a homeowner does not maintain a homeowner's insurance

9 policy;

10 (v) loss verification reports and other records produced by the small
11 business administration office of disaster assistance;

12 (vi) photographic and visual documentation;

13 (vii) affidavits and other sworn statements; and

14 (viii) other government records and reports.

15 (c) Upon receiving such a request, the assessor shall make a finding,
16 after considering the totality of the evidence and documentation submit-
17 ted by a homeowner, as to whether the property lost at least fifty
18 percent of its improved value or, if a participating municipality has
19 elected to provide assessment relief for real property that lost a less-
20 er percentage of improved value such lesser percentage of its improved
21 value, as a result of a disaster. The assessor shall thereafter adopt or
22 classify the percentage loss of improved value within one of the follow-
23 ing ranges:

24 (i) at least ten percent but less than twenty percent, provided that
25 this range shall only be applicable if a participating municipality has
26 elected to provide assessment relief for losses within this range;

27 (ii) at least twenty percent but less than thirty percent, provided
28 that this range shall only be applicable if a participating municipality
29 has elected to provide assessment relief for losses within this range;

30 (iii) at least thirty percent but less than forty percent, provided
31 that this range shall only be applicable if a participating municipality
32 has elected to provide assessment relief for losses within this range;

33 (iv) at least forty percent but less than fifty percent, provided that
34 this range shall only be applicable if a participating municipality has
35 elected to provide assessment relief for losses within this range;

36 (v) at least fifty percent but less than sixty percent;

37 (vi) at least sixty percent but less than seventy percent;

38 (vii) at least seventy percent but less than eighty percent;

39 (viii) at least eighty percent but less than ninety percent;

40 (ix) at least ninety percent but less than one hundred percent; or

41 (x) one hundred percent.

42 (d) On or before the thirtieth day after the deadline for filing of
43 applications for exemption pursuant to this section, the assessor shall
44 mail written notice of such findings to the property owner and the
45 address for receipt of findings pursuant to the local law, ordinance or
46 resolution passed by a participating municipality. The notice shall
47 indicate that if the property owner is dissatisfied with these findings,
48 such property owner may file a complaint with the board of assessment
49 review up until the date specified in such notice, which date shall be
50 the thirtieth day after the last date for the mailing of such notices.
51 If any complaints are so filed, such board shall reconvene upon ten days
52 written notice to the property owner and assessor to hear and determine
53 the complaint, and shall mail written notice of its determination to the
54 assessor and property owner within fifteen days of such hearing. The
55 provisions of article five of this chapter shall govern the review proc-
56 ess to the extent practicable. For the purposes of this section only,

1 the applicant may commence, within thirty days of mailing of a written
2 determination, a proceeding under title one of article seven of this
3 chapter or, if applicable, under title one-A of article seven of this
4 chapter. Sections seven hundred twenty-seven and seven hundred thirty-
5 nine of this chapter shall not apply.

6 (e) Where property has lost at least fifty percent of its improved
7 value or, if a participating municipality has elected to provide assess-
8 ment relief for real property that lost a lesser percentage of improved
9 value such lesser percentage, due to a disaster, the assessed value
10 attributable to the improvements on the property on the impacted assess-
11 ment roll shall be reduced by the appropriate percentage specified in
12 paragraph (a) of this subdivision, provided that any exemptions that the
13 property may be receiving shall be adjusted as necessary to account for
14 such reduction in the total assessed value. To the extent the total
15 assessed value of the property originally appearing on such roll exceeds
16 the amount to which it should be reduced pursuant to this section, the
17 excess shall be considered an error in essential fact as defined by
18 subdivision three of section five hundred fifty of this chapter. The
19 assessor shall thereupon be authorized and directed to correct the
20 assessment roll accordingly or, if another person has custody or control
21 of the assessment roll, to direct such person to make the appropriate
22 corrections. If the correction is made after taxes are levied but before
23 such taxes are paid, the collecting officer shall be authorized and
24 directed to correct the applicant's tax bill accordingly. If the
25 correction is made after taxes are paid, the authorities of each partic-
26 ipating municipal corporation shall be authorized and directed to issue
27 a refund in the amount of the excess taxes paid with regard to such
28 participating municipal corporation.

29 (f) The rights contained in this section shall not otherwise diminish
30 any other legally available right of any property owner or party who may
31 otherwise lawfully challenge the valuation or assessment of any real
32 property or improvements thereon. All remaining rights hereby remain and
33 shall be available to the party to whom such rights would otherwise be
34 available notwithstanding this section.

35 (g) No exemption may be granted to an eligible property pursuant to
36 this section if the owner of such eligible property has contributed to
37 such damage through an intentional act.

38 4. School districts held harmless. Each school district that is wholly
39 or partially contained within an eligible county shall be held harmless
40 by the state for any reduction in state aid that would have been paid as
41 tax savings pursuant to section thirteen hundred six-a of this chapter
42 incurred due to the provisions of this section.

43 § 2. Section 4 of a chapter of the laws of 2024 amending the real
44 property tax law relating to enacting the "climate change property tax
45 relief act", as proposed in legislative bills numbers S. 7515-A and A.
46 7748-B, is amended to read as follows:

47 § 4. This act shall take effect immediately and shall be deemed to
48 have been in full force and effect on and after January 1, 2020;
49 provided however, that [~~abatements~~] assessment relief provided pursuant
50 to this act shall be limited to damages caused by major disasters,
51 local disasters, or both, [~~which occurred~~] occurring on and after Janu-
52 ary 1, 2020.

53 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
54 sion, section or part of this act shall be adjudged by any court of
55 competent jurisdiction to be invalid, such judgment shall not affect,
56 impair, or invalidate the remainder thereof, but shall be confined in

1 its operation to the clause, sentence, paragraph, subdivision, section
2 or part thereof directly involved in the controversy in which such judg-
3 ment shall have been rendered. It is hereby declared to be the intent of
4 the legislature that this act would have been enacted even if such
5 invalid provisions had not been included herein.

6 § 4. This act shall take effect immediately; provided, however, that
7 section one of this act shall take effect on the same date and in the
8 same manner as a chapter of the laws of 2024 amending the real property
9 tax law relating to enacting the "climate change property tax relief
10 act", as proposed in legislative bills numbers S. 7515-A and A. 7748-B,
11 takes effect.