

STATE OF NEW YORK

5968

2025-2026 Regular Sessions

IN SENATE

March 4, 2025

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

AN ACT to amend the civil practice law and rules, in relation to increasing the value of homesteads which are to be exempt from civil judgments

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

1 Section 1. Subdivisions (a), (d) and (e) of section 5206 of the civil
2 practice law and rules, as amended by chapter 568 of the laws of 2010,
3 are amended to read as follows:

4 (a) Exemption of homestead. Property of one of the following types,
5 not exceeding [~~one~~] two hundred fifty thousand dollars for the counties
6 of Kings, Queens, New York, Bronx, Richmond, Nassau, Suffolk, Rockland,
7 Westchester and Putnam; one hundred twenty-five thousand dollars for the
8 counties of Dutchess, Albany, Columbia, Orange, Saratoga and Ulster; and
9 seventy-five thousand dollars for the remaining counties of the state in
10 value above liens and encumbrances, owned and occupied as a principal
11 residence, is exempt from application to the satisfaction of a money
12 judgment, unless the judgment was recovered wholly for the purchase
13 price thereof:

- 14 1. a lot of land with a dwelling thereon,
- 15 2. shares of stock in a cooperative apartment corporation,
- 16 3. units of a condominium apartment, or
- 17 4. a mobile home.

18 But no exempt homestead shall be exempt from taxation or from sale for
19 non-payment of taxes or assessments.

20 (d) Exemption of homestead exceeding [~~one~~] two hundred fifty thousand
21 dollars in value for the counties of Kings, Queens, New York, Bronx,
22 Richmond, Nassau, Suffolk, Rockland, Westchester and Putnam; one hundred
23 twenty-five thousand dollars for the counties of Dutchess, Albany,
24 Columbia, Orange, Saratoga and Ulster; and seventy-five thousand dollars

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

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1 for the remaining counties of the state. The exemption of a homestead is
2 not void because the value of the property exceeds [~~one~~] two hundred
3 fifty thousand dollars for the counties of Kings, Queens, New York,
4 Bronx, Richmond, Nassau, Suffolk, Rockland, Westchester and Putnam; one
5 hundred twenty-five thousand dollars for the counties of Dutchess, Alba-
6 ny, Columbia, Orange, Saratoga and Ulster; and seventy-five thousand
7 dollars for the remaining counties of the state but the lien of a judg-
8 ment attaches to the surplus.

9 (e) Sale of homestead exceeding [~~one~~] two hundred fifty thousand
10 dollars for the counties of Kings, Queens, New York, Bronx, Richmond,
11 Nassau, Suffolk, Rockland, Westchester and Putnam; one hundred twenty-
12 five thousand dollars for the counties of Dutchess, Albany, Columbia,
13 Orange, Saratoga and Ulster; and seventy-five thousand dollars for the
14 remaining counties of the state in value. A judgment creditor may
15 commence a special proceeding in the county in which the homestead is
16 located against the judgment debtor for the sale, by a sheriff or
17 receiver, of a homestead exceeding [~~one~~] two hundred fifty thousand
18 dollars for the counties of Kings, Queens, New York, Bronx, Richmond,
19 Nassau, Suffolk, Rockland, Westchester and Putnam; one hundred twenty-
20 five thousand dollars for the counties of Dutchess, Albany, Columbia,
21 Orange, Saratoga and Ulster; and seventy-five thousand dollars for the
22 remaining counties of the state in value. The court may direct that the
23 notice of petition be served upon any other person. The court, if it
24 directs such a sale, shall so marshal the proceeds of the sale that the
25 right and interest of each person in the proceeds shall correspond as
26 nearly as may be to [~~his~~] such person's right and interest in the prop-
27 erty sold. Money, not exceeding [~~one~~] two hundred fifty thousand dollars
28 for the counties of Kings, Queens, New York, Bronx, Richmond, Nassau,
29 Suffolk, Rockland, Westchester and Putnam; one hundred twenty-five thou-
30 sand dollars for the counties of Dutchess, Albany, Columbia, Orange,
31 Saratoga and Ulster; and seventy-five thousand dollars for the remaining
32 counties of the state, paid to a judgment debtor, as representing [~~his~~]
33 such judgment debtor's interest in the proceeds, is exempt for one year
34 after the payment, unless, before the expiration of the year, [~~he~~] such
35 judgment debtor acquires an exempt homestead, in which case, the
36 exemption ceases with respect to so much of the money as was not
37 expended for the purchase of that property; and the exemption of the
38 property so acquired extends to every debt against which the property
39 sold was exempt. Where the exemption of property sold as prescribed in
40 this subdivision has been continued after the judgment debtor's death,
41 or where [~~he~~] such judgment debtor dies after the sale and before
42 payment to [~~him~~] such judgment debtor of [~~his~~] such judgment debtor's
43 portion of the proceeds of the sale, the court may direct that portion
44 of the proceeds which represents [~~his~~] such judgment debtor's interest
45 be invested for the benefit of the person or persons entitled to the
46 benefit of the exemption, or be otherwise disposed of as justice
47 requires.

48 § 2. This act shall take effect immediately.