

STATE OF NEW YORK

9287

IN SENATE

February 25, 2026

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the real property tax law, in relation to establishing a real property tax exemption for certain full-time residents of certain counties

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 421-r to read as follows:

3 § 421-r. Exemption for full-time residents of certain counties. 1.
4 Legislative findings and intent. The legislature hereby finds that
5 certain counties in this state contain a high proportion of housing
6 units that are not occupied on a year-round basis and are instead used
7 for seasonal, recreational, or occasional purposes. In such areas, local
8 governments and school districts continue to maintain public services,
9 infrastructure, and civic institutions year-round, even as the number of
10 full-time residents contributing to and supporting those systems is
11 limited by the high proportion of part-time occupancy.

12 The legislature further finds that existing real property tax struc-
13 tures do not distinguish between residential properties occupied on a
14 full-time, year-round basis and properties that are not so occupied, and
15 that limited data exists regarding the effects of targeted property tax
16 relief for year-round resident-occupied housing.

17 The purpose of this section is to authorize a pilot real property tax
18 exemption for certain year-round resident-occupied residential property,
19 in localities that choose to participate, within eligible counties. The
20 pilot is intended to allow the state and participating local governments
21 to evaluate the fiscal, administrative, and housing-related impacts of
22 such an exemption.

23 2. Definitions. For the purposes of this section, the following terms
24 shall have the following meanings:

25 (a) "Qualifying residential property" means a parcel of real property
26 improved by a dwelling used exclusively for residential purposes and

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

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1 containing not more than three dwelling units. Real property that is
2 partly used for non-residential purposes, or that contains four or more
3 dwelling units, shall not be a qualifying residential property for
4 purposes of this section.

5 (b) "Eligible year-round residential property" or "eligible property"
6 means any qualifying residential property that is either:

7 (i) owned by one or more individuals, at least one of whom occupies
8 the property as their primary residence and is enrolled in or eligible
9 for the school tax relief (STAR) exemption pursuant to section four
10 hundred twenty-five of this article and meets the applicable income
11 eligibility requirement of such program; or

12 (ii) owned by one or more individuals and occupied by one or more
13 tenants as their primary residence under a written lease agreement with
14 a term of not less than twelve months.

15 (c) "Eligible county" means any county in this state having a popu-
16 lation of not less than one hundred fifty thousand and not more than one
17 million, and in which at least six percent of the total housing units
18 are categorized as for seasonal, recreational or occasional use accord-
19 ing to the latest available data from the American Community Survey of
20 the United States Census Bureau as of January first, two thousand twen-
21 ty-six.

22 3. General provisions; local option. (a) Real property located in an
23 eligible county that is an eligible year-round residential property
24 shall be exempt from taxation to the extent of ten percent of the
25 assessed value thereof for city, town, part town, special district,
26 village, school district or county purposes, exclusive of special
27 assessments, provided that the governing body of such city, town or
28 village, after a public hearing, adopts a local law or resolution
29 providing for such exemption.

30 (b) Following the adoption of a local law by a city, town or village
31 pursuant to paragraph (a) of this subdivision, the governing body of the
32 county in which such city, town or village is located may adopt a local
33 law, and the governing body of any school district that levies taxes in
34 such city, town or village may adopt a resolution, to likewise grant the
35 exemption authorized by this section for the county or school district
36 portion of the tax levy, as applicable. A county local law or school
37 district resolution adopted under this paragraph may provide that the
38 exemption shall apply in any city, town or village within its jurisdic-
39 tion that has adopted a local law or resolution pursuant to paragraph
40 (a) of this subdivision.

41 (c) Any exemption granted pursuant to this section shall be in addi-
42 tion to any other exemption or abatement of real property taxes author-
43 ized by law, provided the property is separately eligible for such other
44 exemption, and shall not reduce eligibility for or applicability of such
45 other exemption or abatement.

46 (d) A copy of any local law, ordinance or resolution adopted pursuant
47 to this subdivision shall be filed with the commissioner and with the
48 assessor of each city, town or village who prepares the assessment roll
49 on which the taxes of such county, city, town, village or school
50 district are levied.

51 4. Eligibility requirements. An exemption authorized pursuant to this
52 section shall not be granted unless the following conditions are met:

53 (a) The property for which the exemption is sought is a qualifying
54 residential property located within an eligible county as defined in
55 subdivision two of this section;

(b) The property for which the exemption is sought is the primary residence of a full-time year-round resident, as evidenced by at least one of the following circumstances:

(i) At least one owner of the property occupies such property as a primary residence and is enrolled in or eligible for the STAR exemption as required pursuant to subparagraph (i) of paragraph (b) of subdivision two of this section; or

(ii) at least one tenant occupies the property as a primary residence under a lease of twelve months or more. In the case of a property occupied by a tenant, the assessor may require documentation that the tenant's occupancy is their primary residence, including but not limited to a copy of the lease agreement and a government-issued identification or other proof of residence showing the property address as the tenant's address;

(c) The property for which the exemption is sought is used exclusively for residential purposes. If any portion of the property is not used exclusively for the residence of the qualifying owner or qualifying tenant, such portion shall be subject to taxation and only the remaining residential portion shall be entitled to the exemption provided by this section. In no event shall an exemption be granted for a parcel of real property containing four or more dwelling units, or for any portion of a parcel of real property that is not used for residential purposes;

(d) If a qualifying residential property contains two or three dwelling units, the exemption authorized by this section shall apply only to the dwelling unit or units occupied on a year-round basis by a qualifying owner or qualifying tenant. Any dwelling unit or units not occupied as a primary residence by a qualifying owner or qualifying tenant shall be considered a portion of the property that is not used for the residence of a qualifying occupant and no exemption shall be granted for the assessed value attributable to such unit or units;

(e) Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property in which a person holds a legal life estate, or which is held in trust solely for the benefit of a person or persons who would otherwise be eligible for the exemption under this section were such person or persons the owner or owners of such property. For purposes of this section, any such life tenant or trust beneficiary who occupies qualifying real property as their primary residence shall be deemed to be the owner of such property during the period of their life estate or beneficial interest; and

(f) In the case of an owner-occupied property, the owner or at least one of the owners has met the income eligibility requirements for the basic STAR exemption for the applicable income tax year and the property is receiving a STAR exemption. An owner who is not enrolled in the STAR program or who has an income above the STAR exemption eligibility limit shall not qualify for the exemption under this section. There shall be no income test for properties qualifying under subparagraph (ii) of paragraph (b) of subdivision two of this section.

5. Administration by commissioner and assessors. (a) The commissioner, acting through the office of real property tax services, shall provide to each eligible county the parcel-level data identifying properties whose owners are enrolled in the STAR program, to be used solely for the administration of the exemption authorized by this section. Such data shall be provided annually, or more frequently as deemed necessary by the commissioner, and shall include information sufficient to identify the parcels and confirm the property owners' primary residence and income eligibility status under the STAR program. Such data shall be

1 subject to all applicable confidentiality and data protection require-
2 ments under state and federal law and shall not be disclosed or used for
3 any purpose other than the administration of this section. The eligible
4 county shall be responsible for disseminating such data to the assessors
5 of any city, town or village within the county that has adopted a local
6 law pursuant to this section, and for ensuring that such data is used
7 only for purposes authorized by this section.

8 (b) In any city, town or village that has opted into the exemption
9 established pursuant to this section, the assessor shall automatically
10 grant such exemption to each property that meets the eligibility crite-
11 ria of this section by virtue of the owner's enrollment in and quali-
12 fication for the STAR program. The assessor shall apply the exemption to
13 such qualifying owner-occupied properties without requiring a separate
14 application from the property owner. The assessor may require, at the
15 assessor's discretion, an owner to confirm primary residency status as
16 needed; provided, however, that proof of a current STAR exemption having
17 been granted to the owner for such property shall be generally suffi-
18 cient evidence of eligibility under subparagraph (i) of paragraph (b) of
19 subdivision two of this section.

20 (c) The owner of any property that may be eligible for the exemption
21 under this section, but which is not automatically granted an exemption
22 pursuant to paragraph (b) of this subdivision, may apply for such
23 exemption by filing an application with the assessor on or before the
24 taxable status date. Such applications shall be available for, but not
25 limited to, owners of properties that are occupied year-round by tenants
26 and properties where the owner is eligible for the STAR exemption but
27 were not identified as such in the commissioner's data. Applications
28 shall be made on a form prescribed by the commissioner and shall include
29 any documentation that the assessor deems necessary to verify that the
30 property and the owner or tenant meet the requirements of this section.
31 In the case of a property occupied by a year-round tenant, the applica-
32 tion shall include: (i) a copy of the written lease or other rental
33 agreement showing that such lease or agreement has a duration of at
34 least twelve months; and (ii) a government-issued identification or
35 other proof of residence showing the property address as the tenant's
36 address. The assessor shall review each such application and determine
37 whether the property is eligible for the exemption. If the assessor is
38 satisfied that the requirements of this section are met, the exemption
39 shall be granted on the assessment roll for the applicable tax year.

40 (d) An exemption granted under this section to a property occupied by
41 a year-round tenant shall remain in effect only so long as the property
42 continues to be occupied on a year-round basis by a tenant or tenants
43 under a lease of twelve months or more. The owner of such property shall
44 be required to certify annually, on a form and by a date prescribed by
45 the commissioner, that the property continues to meet the requirements
46 of paragraph (b) of subdivision two of this section. The assessor may
47 request updated documentation (such as a renewed lease or updated proof
48 of the tenant's residency) to verify continuing eligibility. If a prop-
49 erty receiving an exemption pursuant to this section ceases to be occu-
50 pled by a year-round tenant, or if the tenancy no longer meets the
51 requirements of this section, the owner shall promptly notify the asses-
52 sor, and the exemption shall be discontinued as of the next taxable
53 status date. In the case of an owner-occupied property, continued
54 enrollment by the owner or owners in the STAR program shall serve as
55 annual certification of eligibility, and no separate renewal application
56 shall be required from such owner or owners.

1 (e) If a property receiving an exemption pursuant to this section
2 ceases to satisfy the eligibility requirements for such exemption at any
3 time, the assessor shall discontinue such exemption on the next taxable
4 status date. The property owner or owners must promptly notify the
5 assessor if the property ceases to be the primary residence of the qual-
6 ifying owner or owners, is no longer occupied by a qualifying year-round
7 tenant, or if any other condition of eligibility is no longer met. If a
8 property owner fails to promptly notify the assessor of such ineligibil-
9 ity, such owner may be restricted from applying for or receiving the
10 exemption for a period of up to five years. A willful false statement on
11 an application for this exemption shall be grounds for revocation of the
12 exemption. Upon revocation, the property's taxable assessed value shall
13 be fully restored for the appropriate tax year or years, and the owner
14 may be held liable for any taxes wrongfully exempted.

15 6. Report on effectiveness of exemption. (a) Within five years of the
16 effective date of this section, the department shall conduct a study on
17 the impacts of the exemption authorized by this section for the purpose
18 of assisting the legislature in determining whether to extend the
19 authority to offer such exemption to additional counties that do not
20 otherwise meet the eligibility thresholds set forth in this section and
21 whether the amount of assessed value should be extended or changed in
22 its application.

23 (b) The department shall prepare a report detailing its findings and
24 any recommendations, which shall be delivered to the governor, the
25 temporary president of the senate, and the speaker of the assembly. The
26 report shall include, at a minimum, an analysis of: (i) the number of
27 counties, cities, towns, villages, and school districts that have opted
28 into the exemption; (ii) the number of properties receiving the
29 exemption and the aggregate assessed value exempted; (iii) the impact of
30 the exemption on the redistribution of tax liability to non-exempt prop-
31 erties; and (iv) any observable changes in year-round residency rates,
32 housing availability for full-time residents, or other demographic and
33 economic indicators in the jurisdictions that implemented the exemption.

34 § 2. This act shall take effect immediately and shall apply to assess-
35 ment rolls prepared on the basis of taxable status dates occurring on or
36 after the next succeeding January 1 that is at least ninety days after
37 the date on which this act shall have become a law.