

COUNTY OF ERIE
LOCAL LAW INTRO. NO. 4-1-2026
LOCAL LAW NO. _____-2026

A Local Law pursuant to RPTL § 467 in relation to the partial real property tax exemption for senior citizens

The Legislature of the County of Erie, pursuant to the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

SECTION 1. LEGISLATIVE INTENT AND FINDINGS

The Erie County Legislature finds that real property taxes impose a substantial and often unmanageable burden on senior citizens living on fixed incomes. Erie County is home to a significant and growing population of older adults, many of whom have resided in and contributed to their communities for decades but now face the threat of displacement due to rising property tax obligations.

The Erie County Legislature further finds that New York State Real Property Tax Law (RPTL) Section 467, as most recently amended by Chapter 581 of the Laws of 2025 (Senate Bill S5175A / Assembly Bill A3698A), expressly empowers local governments to grant partial real property tax exemptions to qualifying senior citizens, and to establish income thresholds and exemption schedules up to a maximum household income of \$50,000 and an exemption of up to 65 percent of assessed valuation for the lowest-income senior households.

The existing Erie County senior citizen real property tax exemption has not been updated to reflect either the 2022 amendment to RPTL Section 467, which raised the permissible income ceiling from \$29,000 to \$50,000, or the 2025 amendment, which authorized exemption percentages above the previous 50 percent cap. As a result, many Erie County seniors with modest incomes are not receiving the full relief now permitted under state law.

It is therefore the intent of the Erie County Legislature to: (1) set the maximum household income threshold for the senior citizen real property tax exemption at \$50,000, the maximum amount authorized by RPTL Section 467; (2) adopt a simplified, two-tier exemption schedule that provides an exemption of 65 percent of assessed valuation for households with annual income of \$45,000 or less, and an exemption of 50 percent of assessed valuation for households with annual income exceeding \$45,000 but not exceeding \$50,000; and (3) clarify that the applicable exemption percentage is applied to the assessed valuation of the real property, not to any other base, so as to ensure uniform understanding and application of the benefit.

This Local Law is intended to help Erie County's senior citizens remain in their homes, preserve the fabric of established neighborhoods, and reflect the Legislature's commitment to the long-term well-being of the County's older adult population.

SECTION 2. STATUTORY AUTHORITY

This Local Law is enacted pursuant to the authority granted to the County of Erie by:

- (a) Article IX, Section 2 of the New York State Constitution;
- (b) Municipal Home Rule Law Sections 10 and 22;
- (c) New York Real Property Tax Law Section 467, as amended, which authorizes local governments, by local law adopted after a public hearing, to grant a partial exemption from real property taxation to qualifying senior citizens, and to establish income categories and corresponding exemption percentages within the limits set forth in that section; and
- (d) Chapter 581 of the Laws of 2025 (S5175A/A3698A), which amended RPTL Section 467(b)(4) to permit municipalities to create additional income categories and to grant exemptions of up to 65 percent of assessed valuation for households with incomes below the locally selected maximum.

SECTION 3. DEFINITIONS

As used in this Local Law, the following terms shall have the meanings set forth below. Where a term is not defined herein, its meaning shall be governed by RPTL Section 467 or, if not defined therein, by its ordinary meaning.

- (a) "Annual Household Income" shall mean the combined income of all owners of the real property for the applicable income tax year, including the income of any owner's spouse who resides on the property, calculated as follows:
 - (1) Starting point. The starting point for determining income is the Federal Adjusted Gross Income (FAGI) of the owner or owners and any qualifying spouse as reported on the applicable federal income tax return or returns. If no federal income tax return was filed for the applicable income tax year, income shall be determined based on the amounts that would have been reported if such a return had been filed.
 - (2) Additions to FAGI. The following amounts shall be added to FAGI even if not included therein:
 - (i) All Social Security and Railroad Retirement benefits received by the owner, owners, and any qualifying spouse, regardless of the taxable portion reported on the federal return;
 - (ii) All tax-exempt interest and tax-exempt dividend income excluded from the applicant's FAGI; and
 - (iii) Any income excluded from FAGI pursuant to any provision of the Internal Revenue Code other than those expressly recognized in subparagraph (3) below.
 - (3) Items Excluded from Income
 - (i) Prescription costs not reimbursed by insurance shall be deducted for purposes of income

(4) Items not excluded from income. Distributions received from an individual retirement account (IRA) or individual retirement annuity that were included in the applicant's FAGI shall be treated as income and shall not be excluded or deducted.

(5) Loss limitations. Any net losses applied to reduce FAGI are recognized only subject to the following caps, consistent with RPTL Section 467(3)(b)(iv):

(i) The net amount of loss reported on any single federal Schedule C, D, E, or F shall not exceed three thousand dollars (\$3,000) per schedule;

(ii) The net amount of any other separate category of loss shall not exceed three thousand dollars (\$3,000); and

(iii) The aggregate amount of all losses from all categories combined shall not exceed fifteen thousand dollars (\$15,000).

(6) Applicable income tax year. The applicable income tax year shall be determined based on the taxable status date of the assessing unit in which the real property is located: (i) if the taxable status date is before April 15, the applicable income tax year is the second most recent calendar year; and (ii) if the taxable status date is April 15 or later, the applicable income tax year is the most recent calendar year. For applicants who file fiscal year income tax returns, the applicable income tax year is the fiscal year shown on the applicant's most recent return.

(7) Married couples and income of absent spouse. Where title is vested in a married person, the combined income of that person and their spouse may not exceed the applicable maximum, except that where a spouse or former spouse is absent from the property due to divorce, legal separation, or abandonment, only the income of the spouse residing on the property shall be considered.

(8) Non-filers. Applicants who are not required to file a federal income tax return shall complete New York State Form RP-467-Wkst, Income Worksheet for Senior Citizens Exemption, or any successor form prescribed by the State Board of Real Property Tax Services, to document income for the applicable income tax year.

(b) "Assessed Valuation" shall mean the assessed value of real property as determined by the applicable assessing unit for the assessment roll to which the exemption is applied, prior to application of any partial exemptions other than those required by law to be applied first pursuant to RPTL Section 467(c).

(c) "Exemption" shall mean the partial exemption from county real property taxation granted pursuant to this Local Law, expressed as a percentage of assessed valuation.

(d) "Qualifying Owner" shall mean a person who: (i) owns real property within Erie County, whether individually, jointly, or as a tenant in common; (ii) is 65 years of age or older as of the applicable taxable status date, or, in the case of property owned by husband and wife, or by siblings, at least one of whom is 65 years of age or older; (iii) has used such property as his or her primary residence for at least twelve consecutive months prior to the date of application; and (iv) has Annual Household Income that does not exceed \$50,000.

(e) "Assessment Roll" shall mean the final assessment roll prepared by the applicable assessing unit pursuant to Article 5 of the Real Property Tax Law.

SECTION 4. PARTIAL EXEMPTION GRANTED; EXEMPTION SCHEDULE

4.1 Grant of Exemption. Real property owned by a Qualifying Owner shall be exempt from Erie County real property taxation to the extent set forth in the exemption schedule in Section 4.2 of this Local Law, beginning with the 2027 Assessment Roll. The exemption shall be applied to assessed valuation after all other partial exemptions that are required by law to be applied first have been subtracted, consistent with RPTL Section 467(c).

4.2 Exemption Schedule. The exemption shall be granted as follows:

| Annual Household Income | Percentage of Assessed Valuation Exempt from County Taxation |
|---|--|
| \$0 to \$45,000 | 65% |
| More than \$45,000 but not more than \$50,000 | 50% |
| More than \$50,000 | No exemption |

For the avoidance of doubt, the percentages in the table above represent the percentage of assessed valuation of the real property that is exempt from Erie County taxation. For example, a property with an assessed valuation of \$100,000 owned by a household with Annual Household Income of \$40,000 shall be exempt from county taxation on \$65,000 of that assessed valuation.

4.3 Limitation. No exemption shall be granted under this Local Law to any owner whose Annual Household Income exceeds \$50,000 for the applicable income tax year.

4.4 Application to County Taxes Only. This Local Law governs the exemption from Erie County real property taxes only. Nothing herein shall be construed to require any city, town, village, school district, or special district to grant a corresponding exemption from taxes levied by such taxing jurisdiction; each such jurisdiction must take separate action pursuant to RPTL Section 467 to grant a similar exemption.

SECTION 5. APPLICATION REQUIREMENTS AND PROCEDURE

5.1 Annual Application. To receive the exemption provided by this Local Law, a Qualifying Owner must file an annual application on the form prescribed by the State Board of Real Property Tax Services (Form RP-467) with the assessor of the city or town in which the real property is located, on or before the applicable taxable status date.

5.2 Documentation. The assessor may require the applicant to submit such documentation as is necessary to verify eligibility, including, without limitation, proof of age, proof of primary residence, and federal or state income tax returns or such other documentation of income as the assessor deems acceptable.

5.3 Verification. The Erie County Director of Real Property Tax Services is hereby authorized to coordinate with city and town assessors within Erie County to implement the exemption schedule set forth in this Local Law and to communicate the requirements of this Local Law to applicants, assessors, and collecting officers.

5.4 Existing Applicants. Any person who has previously applied for and received a senior citizen real property tax exemption under any prior Erie County local law or resolution adopted pursuant to RPTL Section 467 shall not be required to reapply solely on account of the adoption of this Local Law; however, all such persons shall be required to demonstrate eligibility under the income thresholds and other requirements of this Local Law upon their next regularly scheduled renewal.

SECTION 6. REPEAL AND SUPERSESSION

Any prior local law, ordinance, or resolution of the County of Erie granting a partial real property tax exemption for senior citizens pursuant to RPTL Section 467 that is inconsistent with this Local Law is hereby repealed to the extent of such inconsistency, effective with the 2027 Assessment Roll. All exemptions granted pursuant to any such prior enactment and in effect for any assessment roll preceding the 2027 Assessment Roll shall remain valid for those prior rolls and are not affected by this Local Law.

SECTION 7. SEVERABILITY

If any section, subdivision, paragraph, clause, or provision of this Local Law shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision, paragraph, clause, or provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or its application to other persons or circumstances. The County of Erie hereby declares that it would have enacted this Local Law, or the remainder thereof, had any such invalid section, subdivision, paragraph, clause, or provision been apparent.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law. The exemption established by this Local Law shall apply beginning with the 2027 Assessment Roll.

SPONSOR: Legislator Jeanne M. Vinal, District 5