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How NY’s ‘broken’ property tax system creates winners and losers

NEWS

How NY’s ‘broken’ property tax system creates winners and losers

More than half of the state's municipalities have disparities in how they tax residential properties — a system that is inequitable with no signs of changing

By **Gabe Levin**, **Julie Zhu**, *Staff Writers*

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Tens of thousands of homeowners grieve their property assessments each year. Steve Felano, pictured left in a small claims hearing this month, is one of many tax representatives across the state representing clients.

Will Waldron/Times Union

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ALBANY — After Anthony Spina paid $150,000 for his Syracuse home four years ago, the house's tax assessment jumped from $80,000 to $96,000, even though the city has not conducted a full reassessment in 30 years.

Spina challenged the city's increase in a small claims proceeding with the help of a property tax consultant, and it was ultimately reduced to around $86,000.

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Syracuse has been known to reassess a few thousand properties each year, leaving assessments on most others unchanged, a legally questionable strategy because the state says municipalities should base reassessments on a careful analysis of all properties in their communities. Although it saves money when the city does not

regularly conduct costly citywide reassessments, it may also deepen property tax inequities.

“They targeted me as a new resident who they thought was rich enough to eat the increase and not do anything about it,” Spina said. “Somehow I got slammed.”

Syracuse officials did not respond to a request for comment, but they have acknowledged that the current system is problematic and said they are moving ahead with plans to complete a full reassessment.

For homeowners across New York, inequitable tax bills are alarmingly common. Indeed, more than half of municipalities statewide have disparities so wide in how they tax residential property that the state considers their assessment rolls unfair, a Times Union analysis of official data shows.

Those inequities are often due to the fact that many communities are collecting taxes based on property assessments that were determined years or even decades ago. In those municipalities, homes with values that have risen faster than others since the full reassessment are often undertaxed, while those with values that have risen more slowly or declined are often overtaxed.

Nearly half of all municipalities in New York have not conducted full reassessments in at least a decade, with 61 communities having conducted their last one prior to 1974, the newspaper’s investigation found.

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Property taxes are a zero-sum game. When some homeowners pay more than their fair share, other property owners in the same community pay less.

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Unlike the vast majority of states, New York does not require reassessments on any set schedule, though it offers some financial aid to municipalities that conduct them at least once every four years.

“It’s a broken patchwork system because a succession of governors and Legislatures over the past 50-plus years saw no political value in fixing it,” said EJ McMahon, an adjunct fellow at the Manhattan Institute.

One apparent solution — requiring regular reassessments — brings political risks, McMahon said. Updating assessments does not, by itself, change how much a municipality collects. But a reassessment after years without one can anger voters

because the process reshuffles how a community's tax burden gets distributed. That can draw the ire of some homeowners who inevitably end up paying more while others see their tax bills cut.

A municipality-wide reassessment can also cost hundreds of thousands or even millions of dollars in larger cities — another reason for local officials to forgo the process.

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How property taxes work

The process begins with a tax levy. That's the total amount of revenue a local government or school district decides it needs to raise from property owners.

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Property assessments determine the share of that levy that each individual homeowner will pay.

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A property assessment is the taxable value listed on the municipal assessment roll. In municipalities that have recently reassessed, the assessed value of properties is typically at or just under 100% of their market value. In other communities, assessments may represent a smaller percentage of value, especially if it's been longer since a full reassessment took place.

If every home in a town is assessed at 50% of market value, a house worth $400,000 should have an assessment of $200,000. A house worth $200,000 should be assessed at $100,000, and so on. The local tax rate is then applied to the assessed value.

The specific percentage of value, known as a level of assessment, is generally supposed to be applied consistently to every property. This principle is called "uniformity" — and it often gets ignored, despite being required under the Real Property Tax Law.

Reassessments happen when a municipality takes a fresh look at all its properties, estimating their current values. Outside a municipality-wide reassessment, they can happen on an individual basis, too, such as when a property undergoes a significant alteration or a homeowner successfully challenges their assessment through a formal grievance process.

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Courts consistently rule that properties should not be selectively reassessed.

Michael R. Franklin, an assessment challenge consultant who advises homeowners across the state, told the Times Union he frequently gets calls from New Yorkers facing the "welcome stranger" tax, an illegal practice in which a local government raises assessments for homes that recently changed hands while failing to update cost values for others.

Warren J. Wheeler, executive director of the New York State Assessors Association, said his organization does not teach assessors that the "welcome stranger" tax is acceptable.

He added that many of the inequities in assessment rolls around the state stem from rapidly changing market values, making it harder as time ticks on to assess all homes in an area at the same rate. Reassessments done today, he said, "are practically outdated by tomorrow."

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Those disparities are especially common in areas with antiquated assessment rolls.

Consider two homes that were each worth $100,000 when a town last reassessed. Years on, one has boomed to $300,000, while the other ticked up to $150,000.

If no reassessment happens, the two owners continue paying similar property taxes even though one home could fetch double what the other is worth.

A municipality-wide reassessment is meant to correct that imbalance by estimating the current values of all properties. The process can also lead to sharp changes in individual tax bills, particularly if a municipality has waited a long time to update its roll.

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A higher assessment does not necessarily mean a higher tax bill. For example, if every property's assessment doubled and the tax levy stayed the same, the tax rate would be cut in half, leaving tax bills largely unchanged.

N.Y.'s system often gets it wrong

When it comes to the accuracy or uniformity of assessments, "there's no real enforcement," said Abir Mandal, an analyst at the Tax Foundation, a tax policy nonprofit.

Property tax bills are frequently out of line with the actual market values of homes.

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Under state tax law, all properties in a municipality generally must be assessed uniformly, meaning at least at a very similar percentage of their market value. (The uniformity rule does not apply the same way to New York City and Nassau County, which use different systems that distinguish among classes of properties but still require uniform levels of assessment within each category.)

Even though it's the law, the uniformity rule often gets ignored by assessors without apparent repercussions, creating widespread disparities in how similar properties get taxed in communities across the state.

One way the state measures that uniformity is by tracking the spread between assessments for similar properties in an area.

Across the state, nearly 55% of assessment rolls for residential property last year were not uniform, with spreads the state considers too high to be equitable, according to official data.

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But some places with outdated property rolls can technically assess uniformly using a common workaround, meaning the true number of municipalities with inequitable assessment rolls could be even higher than what state data suggests. Uniformity measures whether properties are assessed consistently, not whether the underlying property values are up to date or even accurate.

Because municipalities use different levels of assessment, the Office of Real Property Tax Services has to assign annual ratios to each that are meant to be used by counties and school districts to balance tax burdens between the different areas within their borders.

But year after year, in many communities, assessors use the state-provided rate, applying it to each individual residential property's assessment from the last year, creating the bogus impression that many residences may have gained the same percentage of value, experts say. State lawyers consider the method improper.

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One Capital Region municipal assessor, who asked not to be named to discuss their municipality's practices, said, "Yeah, that's really what I do. I don't make it harder

than it needs to be."

At an administrative hearing last week at the Rensselaer County courthouse, tax representative Steve Felano argued before a hearing officer that the market value of his client's home in Brunswick had been artificially inflated using that workaround — to more than $700,000 despite no renovations since it changed hands two years ago for $535,000. Felano brought with him a sheet of other recently sold properties in the town with sale prices at odds with the estimated values he said the assessor arrived at using the method.

The hearing was just for his client's assessment. If the neighbors want a fair assessment roll, they would have to organize, Felano said after the hearing, noting that some already benefit from artificially lower assessments.

"That's the big issue, because you can reverse an assessment roll, but a lot of people have to get together to cooperate and bring a class action," he told the Times Union.

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Felano added that "this invalid method of assessment is the best-kept secret of these towns and the most misunderstood part of taxation for property owners

across upstate New York.”

Brunswick’s assessor, Julie Irick, did not attend the hearing to contest the allegations in person. Irick said in a statement that Felano is wrong about the case and her office “follows correct assessing procedures.” The case has yet to be decided. Brunswick’s last full reassessment was in 1980.

Ryan Cleveland, a spokesperson for the state Department of Taxation and Finance, which oversees the Office of Real Property Tax Services, said in a statement that regular reassessments “are widely considered the best way to ensure assessments are fair and accurate.” He added that outdated property assessments can cause “inequitable tax burdens.”

Cleveland said that state law requires municipalities to assess at a uniform percentage of market value, but that New York does not have the authority to make municipalities reassess.

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Thousands dispute assessments each year

Every homeowner can challenge their assessment each May with their local board of assessment review. The board can lower or uphold the assessment, but it cannot increase it. Homeowners who disagree with the board's decision can take their case to a small claims hearing officer.

The process can be frustrating and time-consuming for homeowners. The board members are often fellow residents, including semiretired attorneys who treat the work as a way to make money on the side, rather than assessment professionals, said Gary Borek, a former senior trial attorney with the Internal Revenue Service in Buffalo.

Assessments get disputed the most in downstate suburbs, where tax bills are among the highest in the nation. Tens of thousands of property owners each year grieve their assessments in Nassau, Suffolk, Westchester and Rockland counties. In Suffolk and Westchester counties, most municipalities had their last reassessment prior to 1974.

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Many of these grievances across the state are filed with the help of lucrative tax consultants that take a cut of the savings their clients achieve. These firms argue

that they serve the public interest by helping more people grieve and lower their tax bills. But not everyone challenges their assessment. When a homeowner wins a reduction, it raises the tax burden for those who do not file grievances, exacerbating taxing disparities for overassessed homeowners.

Aventine Properties, which operates in 12 counties across Long Island and the Hudson Valley, filed just under 30,000 property assessment grievances on behalf of clients this year, owner James Burns said. When it wins a reduction, the company charges clients half of their first-year property tax savings.

In some areas of New York, “there’s a lot of summary rejection,” Burns said.

That’s what James Bennett, a safety supervisor at an Albany-area roofing company who lives in the small rural town of Ephratah, said happened to him.

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Ephratah has not had a full reassessment since 1990. Yet after Bennett listed a former church and adjoining parsonage that he owned for sale at a combined $200,000 asking price, the town updated its assessments of the properties to more than $174,000 in 2024, up from over $100,000 the previous year.

The town's attorney later pointed to the listing as a reason Bennett's assessment had been raised. But no sale ever took place. Bennett bought the properties for $15,000 in 2018, and an appraiser he hired in 2024 placed the properties' value at $70,000.

The local board of assessment review rejected Bennett's grievance.

"I went through the grievance process expecting a fair opportunity to be heard, but instead I felt rushed," Bennett said. "During the (assessment board) hearing, I was repeatedly asked whether I was finished."

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He sued the town and several officials in state Supreme Court, representing himself and eventually reaching an agreement last year for more than $100,000 in reductions to the assessments.

"For me, this became about fairness and due process for every taxpayer, not simply the amount of my tax bill," said Bennett, who is now seeking millions of dollars in a federal lawsuit, claiming town officials singled him out, cut corners and violated his constitutional rights.

Ephratah's town attorney, Michael Albanese, did not respond to a request for comment.

Assessors rarely are held accountable for significant errors or intentionally cutting corners, Franklin and other experts said. That's on top of the fact that mistakes can happen even when they do exercise due diligence. The job inherently requires guesswork, including comparing sales data to make estimates.

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Kyle McCarthy built a house in 2024 in the town of Avon, which is about 30 miles south of Rochester. A licensed appraiser McCarthy hired valued his property at $700,000. The town set its full market value at over $1 million the following year.

McCarthy challenged the town's figure first with the local board of assessment review and then in a small claims hearing. He won reductions that brought the value down to more than $800,000 — still more than $100,000 more than the appraiser's estimate.

The process dragged on as McCarthy's hearing was delayed by about four months "without a legitimate explanation," according to his tax representative, Felano. While

he waited, McCarthy had to pay nearly $4,600 up front based on the higher value to avoid penalties.

In a lengthy statement to the Times Union, the hearing officer, Daniel Kuhn, wrote that “it was definitely not my intention to cause any delay or harm.” Kuhn added that he asked not to be assigned cases after his teenage daughter had died in the spring last year, but Livingston County, where Avon is located, did not have anyone else to hear the cases.

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The state does not provide facilities to hold proceedings or a system for hearing officers to monitor their caseload or notify them in real time when decisions are assigned or due, Kuhn said. He added that paperwork is often handled by mail and keeping track of it can be difficult.

“All of that falls on me for that $75” per hearing, he said.

This year, the town valued the property at over $850,000, and McCarthy said he had to start the challenge process all over again. But Felano said the assessor agreed recently to reduce the value to $760,000.

When he first raised concerns with Avon's assessor last year, she brushed him off, McCarthy said.

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He claimed she told him: "Well, you know, if you can afford to build a house this big, then you can afford to pay the taxes."

Tami Snyder, the town of Avon's assessor, did not respond to a request for comment.

Legislation has stalled

A bill in the state Senate would require municipalities to conduct reassessments at least once every eight years. If it passes the Legislature and the governor signs it into law, the requirement would take effect in 2030.

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State Sen. James Sanders Jr., a Queens Democrat who introduced the proposal, said he's hopeful that a new slate of progressive candidates will win election and push the legislation ahead.

But for now, the bill, which was introduced last year, is still in committee. More should be done, Sanders said, adding that the bill's eight-year requirement represents "a rather tame effort to get such an old and antiquated system up to speed."

More frequent reassessments help keep tax rolls equitable, so any proposal to require municipalities to more regularly reassess properties would be an improvement on the current system, experts say. But an eight-year reassessment cycle is still relatively long compared to other states, and could cause sticker shock for some residents if their home values rise at a much faster rate than their neighbors' during that period.

Albany, for instance, conducted a reassessment two years ago after going eight years without one. At the time, the city assessor said that 49% of residential property owners would see lower taxes the next year if the tax levy — the amount the city raises every year in property taxes — stayed the same, while the remaining 51% could expect an increase. In some cases, homeowners' property values more than doubled.

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A panic ensued, with more than 1,700 homeowners in Albany filing grievances in 2024. That's a huge spike from the few hundred challenges the city's board of assessment review usually receives in a typical year, according to Judy Doesschate, a former Albany Common councilwoman who sits on the board. But only a minority of challengers in 2024 won a settlement, she said.

"We went through this process of educating the public," she said. "In general, people were concerned."

What Sanders' bill in the Senate leaves out is any provision granting more state money to help municipalities conduct more frequent reassessments.

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The state's current financial aid program pays up to $5 per parcel for regular reassessments. But in a large downstate suburb with 100,000 properties to revalue, a full reassessment could cost millions of dollars, according to Wheeler, who is with the New York State Assessors Association. He suggested the state should help out more.

"I don't know that (state) leadership is willing to spend that kind of money," Wheeler said.

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Gabe Levin

CAPITOL BUREAU

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