

STAR eligibility

Eligible types of property

- houses
- condominiums
- cooperative apartments
- manufactured homes
- farm houses
- mixed-use properties, including apartment buildings (but only the owner-occupied portion)

Eligible homeowners

Requirements for Basic and Enhanced STAR

Factor	Basic STAR	Enhanced STAR
Residency	The property must be the primary residence of an owner.*	The property must be the primary residence of at least one age-eligible owner.
Age	No age restriction	65 or older All owners must be at least age 65 as of December 31 of the year of the exemption, except where the property is jointly owned by only a married couple or only siblings, in which case only one owner needs to meet the age requirement. Surviving spouses may be eligible to retain the Enhanced STAR benefit. See Surviving spouse eligibility.**
Income***	\$500,000 or less for the STAR credit	For 2022 benefits: \$92,000 or less For 2023 benefits: \$93,200 or less <i>Updated: May 31, 2022</i>

	<p>\$250,000 or less for the STAR exemption</p> <p>The income limit applies to the combined incomes of only the owners and owners' spouses who reside at the property.</p>	<p>The income limit applies to the combined incomes of all owners (residents and non-residents), and any owner's spouse who resides at the property.</p>
<p>Ownership</p>	<p>The property must be owned by the eligible applicant(s).</p> <p>A married couple can receive only one STAR benefit regardless of how many properties they own, unless they are legally separated.</p> <p>Purchaser(s) in possession of the home under an executory contract of sale (aka land contract) are considered owners(s).</p> <p>Corporations, partnerships, and LLCs are not eligible unless it is a farm dwelling.</p>	

*** Determining your primary residence**

Some factors that help determine whether a property is your primary residence include:

- voting,
- vehicle registrations, and
- length of time spent each year on the property.

The Tax Department may also request proof of residency.

**** Surviving spouse eligibility**

Normally, to be eligible for Enhanced STAR, all of the property owners must be at least 65 years of age. However, when property is jointly owned by a married couple, only one spouse needs to be at least 65 years of age.

If a married couple is receiving Enhanced STAR on the basis that one of the spouses is age-eligible, and the age-eligible spouse dies, the Enhanced STAR benefit may only be continued if the surviving spouse is at least 62 years of age at the time of death, or turns 62 shortly thereafter. More specifically, for Enhanced STAR to be continued under these circumstances, the surviving spouse must be 62 years of age by December 31 of the year immediately following the last year in

which the couple jointly qualified for Enhanced STAR, or would have qualified except for the fact that their income temporarily exceeded the limit. If the surviving spouse is not at least 62 years of age by the specified date, he or she would only be eligible for Basic STAR at that point, but may apply for Enhanced STAR once he or she turns 65.

*** Income eligibility

- Income eligibility for the 2022 STAR credit is based on federal or state income tax return information from the 2020 tax year.
- Income eligibility for the 2023 STAR credit is based on federal or state income tax return information from the 2021 tax year.

Income for STAR purposes

Income means federal *adjusted gross income* minus the *taxable amount* of total distributions from IRAs (individual retirement accounts and individual retirement annuities).

To determine your income eligibility, use the table below to identify line references on your federal or state income tax returns:

- for the 2022 STAR benefit, refer to *2020 income tax form*.
- for the 2023 STAR benefit, refer to *2021 income tax form*

How to calculate your income for STAR

Form number	Title of income tax form	Income for STAR purposes	
		2020 income tax form	2021 income tax form
Federal Form 1040	U.S. Individual Income Tax Return	Adjusted gross income (line 11) minus taxable portion of IRA distributions (line 4b)	Adjusted gross income (line 11) minus taxable portion of IRA distributions (line 4b)
NYS Form IT-201	Resident Income Tax Return	Federal adjusted gross income (line 19) minus taxable portion of IRA distributions	Federal adjusted gross income (line 19) minus taxable portion of IRA distributions

Special eligibility rules

Nursing home residents

If you own your home, you're eligible for Basic or Enhanced STAR, as long as no one other than the co-owner or spouse resides there.

Trusts

If you're a trust beneficiary who conveyed your home to trustees but continues to live in the home, you get the STAR benefit. For example, a senior creates a trust and conveys her home to her children as trustees. If she remains in the home as the beneficiary of the trust, she is considered the homeowner and gets the STAR benefit.

Life estates

Under a life estate, one party has a *life tenancy* (ownership for the rest of his or her life) and another party—the remainderman—will become the owner after the life tenant dies. While the deed may appear to convey ownership to the remainderman, the remainderman will not take title until the death of the life tenant. Therefore, for exemption purposes, the life tenant is deemed to own the property, and STAR eligibility is based on the life tenant's qualifications.