

1012--B

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- recommitted to the Committee on Aging in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to determining the combined household income limit for eligibility for a tax abatement for rent-controlled and rent regulated property occupied by senior citizens; and repealing certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph a of subdivision 3 of section 467-b of the real
2 property tax law is REPEALED and a new paragraph a is added to read as
3 follows:
4 A. NO TAX ABATEMENT SHALL BE GRANTED IF THE COMBINED INCOME OF ALL
5 MEMBERS OF THE HOUSEHOLD FOR THE INCOME TAX YEAR IMMEDIATELY PRECEDING
6 THE DATE OF MAKING APPLICATION EXCEEDS FOUR THOUSAND DOLLARS, OR SUCH
7 OTHER SUM NOT MORE THAN TWENTY-FOUR THOUSAND DOLLARS OR, AFTER CALENDAR
8 YEAR TWO THOUSAND ELEVEN, AN AMOUNT EQUAL TO THE MAXIMUM INCOME FOR THE
9 PREVIOUS YEAR MULTIPLIED BY THE COST OF LIVING ADJUSTMENT FOR SUCH YEAR
10 AS MAY BE PROVIDED BY THE LOCAL LAW, ORDINANCE OR RESOLUTION ADOPTED
11 PURSUANT TO THIS SECTION, PROVIDED THAT WHEN THE HEAD OF THE HOUSEHOLD
12 RETIRES BEFORE THE COMMENCEMENT OF SUCH YEAR AND THE DATE OF FILING THE
13 APPLICATION, THE INCOME FOR SUCH YEAR MAY BE ADJUSTED BY EXCLUDING SALA-
14 RY OR EARNINGS AND PROJECTING HIS RETIREMENT INCOME OVER THE ENTIRE
15 PERIOD OF SUCH YEAR. AS USED IN THIS PARAGRAPH, THE "COST OF LIVING
16 ADJUSTMENT" MEANS THE PERCENTAGE (IF ANY) BY WHICH THE CONSUMER PRICE
17 INDEX FOR THE PRECEDING YEAR EXCEEDS THE CURRENT YEAR. THE "CONSUMER
18 PRICE INDEX" MEANS THE MOST RECENT CONSUMER PRICE INDEX FOR ALL-URBAN

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

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1 CONSUMERS IN THE NEW YORK STATE, NEW JERSEY AND CONNECTICUT REGION,
2 PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR. ON OR BEFORE AUGUST
3 THIRTY-FIRST OF EACH YEAR, THE STATE DEPARTMENT OF LABOR SHALL NOTIFY
4 EACH MUNICIPALITY TO WHICH THIS PARAGRAPH APPLIES OF THE CONSUMER PRICE
5 INDEX AS REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR.

6 S 2. Paragraph d of subdivision 1 of section 467-c of the real proper-
7 ty tax law is REPEALED and a new paragraph d is added to read as
8 follows:

9 D. "ELIGIBLE HEAD OF THE HOUSEHOLD" MEANS A PERSON OR HIS OR HER
10 SPOUSE WHO IS SIXTY-TWO YEARS OF AGE OR OLDER AND IS ENTITLED TO THE
11 POSSESSION OR TO THE USE AND OCCUPANCY OF A DWELLING UNIT, PROVIDED,
12 HOWEVER, WITH RESPECT TO A DWELLING WHICH WAS SUBJECT TO A MORTGAGE
13 INSURED OR INITIALLY INSURED BY THE FEDERAL GOVERNMENT PURSUANT TO
14 SECTION TWO HUNDRED THIRTEEN OF THE NATIONAL HOUSING ACT, AS AMENDED
15 "ELIGIBLE HEAD OF THE HOUSEHOLD" SHALL BE LIMITED TO THAT PERSON OR HIS
16 OR HER SPOUSE WHO WAS ENTITLED TO POSSESSION OR THE USE AND OCCUPANCY OF
17 SUCH DWELLING UNIT AT THE TIME OF TERMINATION OF SUCH MORTGAGE, AND
18 WHOSE INCOME WHEN COMBINED WITH THE INCOME OF ALL OTHER MEMBERS OF THE
19 HOUSEHOLD, DOES NOT EXCEED SIX THOUSAND FIVE HUNDRED DOLLARS FOR THE
20 TAXABLE PERIOD, OR SUCH OTHER SUM NOT LESS THAN SIXTY-FIVE HUNDRED
21 DOLLARS NOR MORE THAN TWENTY-FOUR THOUSAND DOLLARS OR, AFTER CALENDAR
22 YEAR TWO THOUSAND ELEVEN, AN AMOUNT EQUAL TO THE MAXIMUM INCOME FOR THE
23 PREVIOUS YEAR MULTIPLIED BY THE COST OF LIVING ADJUSTMENT FOR SUCH YEAR
24 AS MAY BE PROVIDED BY LOCAL LAW. AS USED IN THIS PARAGRAPH, THE "COST
25 OF LIVING ADJUSTMENT" MEANS THE PERCENTAGE (IF ANY) BY WHICH THE CONSUM-
26 ER PRICE INDEX FOR THE PRECEDING YEAR EXCEEDS THE CURRENT YEAR. THE
27 "CONSUMER PRICE INDEX" MEANS THE MOST RECENT CONSUMER PRICE INDEX FOR
28 ALL-URBAN CONSUMERS IN THE NEW YORK STATE, NEW JERSEY AND CONNECTICUT
29 REGION, PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR. ON OR BEFORE
30 AUGUST THIRTY-FIRST OF EACH YEAR, THE STATE DEPARTMENT OF LABOR SHALL
31 NOTIFY EACH MUNICIPALITY TO WHICH THIS PARAGRAPH APPLIES OF THE CONSUMER
32 PRICE INDEX AS REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR.

33 S 3. This act shall take effect immediately provided that the amend-
34 ments to paragraph a of subdivision 3 of section 467-b of the real prop-
35 erty tax law made by section one of this act shall not affect the expi-
36 ration and reversion of such section and shall expire and revert
37 therewith.