

5056--C

2015-2016 Regular Sessions

I N S E N A T E

April 29, 2015

Introduced by Sens. YOUNG, GOLDEN, LANZA, DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Housing, Construction and Community Development 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 tax abatements for dwelling units occupied by certain persons residing in rent-controlled or rent regulated properties

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

1 Section 1. The section heading of section 467-b of the real property
2 tax law, as amended by section 1 of chapter 188 of the laws of 2005, is
3 amended to read as follows:
4 Tax abatement for rent-controlled and rent regulated property occupied
5 by senior citizens or persons with disabilities OR PERSONS PAYING A
6 MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
7 COMBINED INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD.
8 S 2. Paragraph b of subdivision 1 of section 467-b of the real proper-
9 ty tax law, as amended by section 1 of chapter 188 of the laws of 2005,
10 is amended to read as follows:
11 b. "Head of the household" means a person (i) who is sixty-two years
12 of age or older, or (ii) who qualifies as a person with a disability
13 pursuant to subdivision five of this section, OR (III) WHO PAYS A MAXI-
14 MUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED
15 INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD, and is entitled to the
16 possession or to the use or occupancy of a dwelling unit;

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

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1 S 3. Subdivision 2 of section 467-b of the real property tax law, as
2 amended by chapter 747 of the laws of 1985, paragraph (c) as added by
3 chapter 553 of the laws of 2015, is amended to read as follows:

4 2. The governing body of any municipal corporation is hereby author-
5 ized and empowered to adopt, after public hearing, in accordance with
6 the provisions of this section, a local law, ordinance or resolution
7 providing for the abatement of taxes of said municipal corporation
8 imposed on real property containing a dwelling unit as defined herein by
9 one of the following amounts: (a) where the head of the household does
10 not receive a monthly allowance for shelter pursuant to the social
11 services law, an amount not in excess of that portion of any increase in
12 maximum rent or legal regulated rent which causes such maximum rent or
13 legal regulated rent to exceed one-third of the combined income of all
14 members of the household; or

15 (b) WHERE THE HEAD OF THE HOUSEHOLD QUALIFIES AS A PERSON PAYING A
16 MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
17 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD AND DOES NOT RECEIVE A
18 MONTHLY ALLOWANCE FOR SHELTER PURSUANT TO THE SOCIAL SERVICES LAW, AN
19 AMOUNT NOT IN EXCESS OF THAT PORTION OF ANY INCREASE IN MAXIMUM RENT OR
20 LEGAL REGULATED RENT WHICH CAUSES SUCH MAXIMUM RENT OR LEGAL REGULATED
21 RENT TO EXCEED ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE
22 HOUSEHOLD; OR

23 (C) where the head of the household receives a monthly allowance for
24 shelter pursuant to the social services law, an amount not in excess of
25 that portion of any increase in maximum rent or legal regulated rent
26 which is not covered by the maximum allowance for shelter which such
27 person is entitled to receive pursuant to the social services law.

28 [(c)] Provided, however, that in a city of a population of one million
29 or more, where the head of household has been granted a rent increase
30 exemption order that is in effect as of January first, two thousand
31 fifteen or takes effect on or before July first, two thousand fifteen,
32 the amount determined by paragraph (a) of this subdivision shall be an
33 amount not in excess of the difference between the maximum rent or legal
34 regulated rent and the amount specified in such order, as adjusted by
35 any other provision of this section.

36 S 4. Paragraph a of subdivision 3 of section 467-b of the real proper-
37 ty tax law, as amended by section 1 of part U of chapter 55 of the laws
38 of 2014, is amended to read as follows:

39 a. for a dwelling unit where the head of the household is a person
40 sixty-two years of age or older OR WHERE THE HEAD OF THE HOUSEHOLD PAYS
41 A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
42 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, no tax abatement shall
43 be granted if the combined income of all members of the household for
44 the income tax year immediately preceding the date of making application
45 exceeds four thousand dollars, or such other sum not more than twenty-
46 five thousand dollars beginning July first, two thousand five, twenty-
47 six thousand dollars beginning July first, two thousand six, twenty-sev-
48 en thousand dollars beginning July first, two thousand seven, twenty-
49 eight thousand dollars beginning July first, two thousand eight, twenty-
50 nine thousand dollars beginning July first, two thousand nine, and fifty
51 thousand dollars beginning July first, two thousand fourteen, as may be
52 provided by the local law, ordinance or resolution adopted pursuant to
53 this section, provided that when the head of the household retires before
54 the commencement of such income tax year and the date of filing the
55 application, the income for such year may be adjusted by

1 excluding salary or earnings and projecting his or her retirement income
2 over the entire period of such year.

3 S 5. Paragraph a of subdivision 3 of section 467-b of the real proper-
4 ty tax law, as separately amended by section 1 of chapter 188 and chap-
5 ter 205 of the laws of 2005, is amended to read as follows:

6 a. for a dwelling unit where the head of the household is a person
7 sixty-two years of age or older OR WHERE THE HEAD OF THE HOUSEHOLD PAYS
8 A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
9 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, no tax abatement shall
10 be granted if the combined income of all members of the household for
11 the income tax year immediately preceding the date of making application
12 exceeds four thousand dollars, or such other sum not more than twenty-
13 five thousand dollars beginning July first, two thousand five, twenty-
14 six thousand dollars beginning July first, two thousand six, twenty-sev-
15 en thousand dollars beginning July first, two thousand seven,
16 twenty-eight thousand dollars beginning July first, two thousand eight,
17 and twenty-nine thousand dollars beginning July first, two thousand
18 nine, as may be provided by the local law, ordinance or resolution
19 adopted pursuant to this section, provided that when the head of the
20 household retires before the commencement of such income tax year and
21 the date of filing the application, the income for such year may be
22 adjusted by excluding salary or earnings and projecting his or her
23 retirement income over the entire period of such year.

24 S 6. Paragraph d of subdivision 1 of section 467-c of the real proper-
25 ty tax law, as separately amended by chapters 188 and 205 of the laws of
26 2005, and subparagraph 1 as amended by section 2 of part U of chapter 55
27 of the laws of 2014, is amended to read as follows:

28 d. "Eligible head of the household" means (1) a person or his or her
29 spouse who is sixty-two years of age or older, OR A PERSON WHO PAYS A
30 MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL
31 MEMBERS OF THE HOUSEHOLD, and is entitled to the possession or to the
32 use and occupancy of a dwelling unit, provided, however, with respect to
33 a dwelling which was subject to a mortgage insured or initially insured
34 by the federal government pursuant to section two hundred thirteen of
35 the National Housing Act, as amended "eligible head of the household"
36 shall be limited to that person or his or her spouse who was entitled to
37 possession or the use and occupancy of such dwelling unit at the time of
38 termination of such mortgage, and whose income when combined with the
39 income of all other members of the household, does not exceed six thou-
40 sand five hundred dollars for the taxable period, or such other sum not
41 less than sixty-five hundred dollars nor more than twenty-five thousand
42 dollars beginning July first, two thousand five, twenty-six thousand
43 dollars beginning July first, two thousand six, twenty-seven thousand
44 dollars beginning July first, two thousand seven, twenty-eight thousand
45 dollars beginning July first, two thousand eight, twenty-nine thousand
46 dollars beginning July first, two thousand nine, and fifty thousand
47 dollars beginning July first, two thousand fourteen, as may be provided
48 by local law; or (2) a person with a disability as defined in this
49 subdivision.

50 S 7. Subparagraph 1 of paragraph d of subdivision 1 of section 467-c
51 of the real property tax law, as separately amended by chapters 188 and
52 205 of the laws of 2005, is amended to read as follows:

53 (1) a person or his or her spouse who is sixty-two years of age or
54 older, OR A PERSON WHO PAYS A MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE
55 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, and is entitled to the
56 possession or to the use and occupancy of a dwelling unit, provided,

1 however, with respect to a dwelling which was subject to a mortgage
2 insured or initially insured by the federal government pursuant to
3 section two hundred thirteen of the National Housing Act, as amended
4 "eligible head of the household" shall be limited to that person or his
5 or her spouse who was entitled to possession or the use and occupancy of
6 such dwelling unit at the time of termination of such mortgage, and
7 whose income when combined with the income of all other members of the
8 household, does not exceed six thousand five hundred dollars for the
9 taxable period, or such other sum not less than sixty-five hundred
10 dollars nor more than twenty-five thousand dollars beginning July first,
11 two thousand five, twenty-six thousand dollars beginning July first, two
12 thousand six, twenty-seven thousand dollars beginning July first, two
13 thousand seven, twenty-eight thousand dollars beginning July first, two
14 thousand eight, and twenty-nine thousand dollars beginning July first,
15 two thousand nine, as may be provided by local law; or

16 S 8. Subparagraph 1 of paragraph a of subdivision 3 of section 467-c
17 of the real property tax law, as amended by chapter 747 of the laws of
18 1985, is amended to read as follows:

19 (1) where the eligible head of the household WHO IS EITHER SIXTY-TWO
20 YEARS OF AGE OR OLDER OR IS DISABLED does not receive a monthly allow-
21 ance for shelter pursuant to the social services law, the amount by
22 which increases in the maximum rent subsequent to such person's eligi-
23 bility date have resulted in the maximum rent exceeding one-third of the
24 combined income of all members of the household for the taxable period,
25 OR WHERE THE ELIGIBLE HEAD OF THE HOUSEHOLD IS A PERSON WHO PAYS A MAXI-
26 MUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF
27 THE HOUSEHOLD DOES NOT RECEIVE A MONTHLY ALLOWANCE FOR SHELTER PURSUANT
28 TO THE SOCIAL SERVICES LAW, THE AMOUNT BY WHICH INCREASES IN THE MAXIMUM
29 RENT SUBSEQUENT TO SUCH PERSON'S DATE HAVE RESULTED IN THE MAXIMUM RENT
30 EXCEEDING ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSE-
31 HOLD FOR THE TAXABLE PERIOD, except that in no event shall a rent
32 increase exemption order/tax abatement certificate become effective
33 prior to January first, nineteen hundred seventy-six; or

34 S 9. This act shall take effect July 1, 2016; provided however, that
35 a. the amendments to section 467-b of the real property tax law, made
36 by sections one, two, three and five of this act shall be subject to the
37 expiration and reversion of such section pursuant to section 17 of chap-
38 ter 576 of the laws of 1974, and shall expire and be deemed repealed
39 therewith;

40 b. the amendments to paragraph a of subdivision 3 of section 467-b of
41 the real property tax law, made by section four of this act shall be
42 subject to the expiration of such paragraph pursuant to section 4 of
43 part U of chapter 55 of the laws of 2014, as amended, and shall be
44 deemed to expire therewith, when upon such date section five of this act
45 shall take effect; and

46 c. the amendments to subparagraph (1) of paragraph d of subdivision 1
47 of section 467-c of the real property tax law, made by section six of
48 this act shall not affect the expiration of such subparagraph pursuant
49 to section 4 of part U of chapter 55 of the laws of 2014, as amended,
50 and shall expire and be deemed repealed therewith, when upon such date
51 section seven of this act shall take effect.