

STATE OF NEW YORK

3148

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. DINOWITZ, BENEDETTO, GOTTFRIED, L. ROSENTHAL, ABBATE, COOK, CRESPO, PERRY, WRIGHT, RIVERA, WEPRIN, COLTON, SEAWRIGHT, BARRON, TAYLOR -- Multi-Sponsored by -- M. of A. DenDEKKER, EPSTEIN, GLICK, HEVESI, McDONOUGH, M. G. MILLER -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to renewal notices for applications under the SCRIE program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 467-b of the real property tax
2 law, as amended by chapter 442 of the laws of 2016, is amended to read
3 as follows:

4 4. a. (1) The head of the household must apply every two years to the
5 appropriate rent control agency or administrative agency for a tax
6 abatement certificate on a form prescribed by said agency.

7 (2) Upon the adoption of a local law, ordinance, or resolution by the
8 governing board of a municipality, any head of household that has been
9 issued a tax abatement certificate pursuant to this section for five
10 consecutive benefit periods, and whose income and residence have not
11 changed since their last renewal application, shall be eligible to file
12 a short form renewal. Such statement shall be on a form prescribed by
13 the appropriate rent control agency or administrative agency and shall
14 include the following: (i) a sworn statement certifying that such head
15 of household continues to be eligible to receive such certificate and
16 that their income and residence have not changed; and (ii) a certifi-
17 cation to be signed by the applicant stating that all information
18 contained in their statement is true and correct to the best of the
19 applicant's knowledge and belief and stating that they understand that
20 the willful making of any false statement of material fact therein shall
21 subject them to the provisions of law relevant to the making and filing

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

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1 of false instruments and loss of their benefit, and that subsequent
2 reapplication shall be as a new applicant.

3 (b) A tax abatement certificate setting forth an amount not in excess
4 of the increase in maximum rent or legal regulated rent for the taxable
5 period or such other amount as shall be determined under subdivision
6 three of this section shall be issued by said agency to each head of the
7 household who is found to be eligible under this section on or before
8 the last date prescribed by law for the payment of the taxes or the
9 first installment thereof of any municipal corporation which has granted
10 an abatement of taxes. Copies of such certificate shall be issued to the
11 owner of the real property containing the dwelling unit of the head of
12 the household and to the collecting officer charged with the duty of
13 collecting the taxes of each municipal corporation which has granted the
14 abatement of taxes authorized by this section. The appropriate rent
15 control agency or administrative agency shall send a notice of required
16 renewal to each head of household currently receiving an exemption under
17 this section via United States Postal Service to their primary residence
18 no less than thirty days prior to the application renewal date.

19 § 2. Subdivision 4 of section 467-b of the real property tax law, as
20 added by chapter 689 of the laws of 1972, is amended to read as follows:

21 4. The head of the household must apply each year to the appropriate
22 rent control agency for a tax abatement certificate on a form prescribed
23 by said agency. A tax abatement certificate setting forth an amount not
24 in excess of the increase in maximum rent for the taxable period shall
25 be issued by said agency to each head of the household who is found to
26 be eligible under this section on or before the last date prescribed by
27 law for the payment of the taxes or the first installment thereof of any
28 city, town or village which has granted an abatement of taxes. Copies of
29 such certificate shall be issued to the owner of the real property
30 containing the dwelling unit of the head of the household and to the
31 collecting officer charged with the duty of collecting the taxes of each
32 city, town or village which has granted the abatement of taxes author-
33 ized by this section. The appropriate rent control agency or adminis-
34 trative agency shall send a notice of required renewal to each head of
35 household currently receiving an exemption under this section via United
36 States Postal Service to their primary residence no less than thirty
37 days prior to the application renewal date.

38 § 3. Subdivision 4 of section 467-c of the real property tax law, as
39 amended by chapter 442 of the laws of 2016, is amended to read as
40 follows:

41 4. a. (1) Any such local law or ordinance may provide that the eligi-
42 ble head of the household shall apply annually to the supervising agency
43 for a rent increase exemption order/tax abatement certificate on a form
44 to be prescribed and made available by the supervising agency.

45 (2) Upon the adoption of a local law, ordinance, or resolution by the
46 governing board of a municipality, any head of household that has been
47 issued a tax abatement certificate pursuant to this section for five
48 consecutive benefit periods, and whose income and residence have not
49 changed since their last renewal application, shall be eligible to file
50 a short form renewal. Such statement shall be on a form prescribed by
51 the appropriate rent control agency or administrative agency and shall
52 include the following: (i) a sworn statement certifying that such head
53 of household continues to be eligible to receive such certificate and
54 that their income and residence have not changed; and (ii) a certifi-
55 cation to be signed by the applicant stating that all information
56 contained in their statement is true and correct to the best of the

1 applicant's knowledge and belief and stating that they understand that
2 the willful making of any false statement of material fact therein shall
3 subject them to the provisions of law relevant to the making and filing
4 of false instruments and loss of their benefit, and that subsequent
5 reapplication shall be as a new applicant.

6 (b) The supervising agency shall approve or disapprove applications
7 and, if it approves, shall issue a rent increase exemption order/tax
8 abatement certificate. Copies of such order/certificate shall be issued
9 to the housing company managing the dwelling unit of the eligible head
10 of the household, to the eligible head of the household and to the
11 collecting officer charged with the duty of collecting the taxes of the
12 municipality. The appropriate supervising agency shall send a notice of
13 required renewal to each head of household currently receiving an
14 exemption under this section via United States Postal Service to their
15 primary residence no less than thirty days prior to the application
16 renewal date.

17 § 4. This act shall take effect on the ninetieth day after it shall
18 have become a law; provided that the amendments to section 467-b of the
19 real property tax law made by section one of this act shall be subject
20 to the expiration and reversion of such section pursuant to section 17
21 of chapter 576 of the laws of 1974, as amended, when upon such date the
22 provisions of section two of this act shall take effect.