S T A T E O F N E W Y O R K

2446

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. O'DONNELL, KELLNER -- Multi-Sponsored by -- M. of A. GLICK, PHEFFER, WALKER -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to adding rent protection to senior citizens where their rent is more than one-half of their income

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

Section 1. Section 467-b of the real property tax law is amended by adding a new subdivision 10 to read as follows:

10. A. NOTWITHSTANDING SUBDIVISIONS TWO AND THREE OF THIS SECTION, OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, AND IN ADDITION TO ANY EXISTING SENIOR CITIZEN RENT EXEMPTION, THE GOVERNING BODY OF ANY CITY, TOWN OR VILLAGE IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT, AFTER PUBLIC HEARING, A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING FOR THE ABATEMENT OF TAXES OF SAID MUNICIPAL CORPORATION IMPOSED ON REAL PROPERTY CONTAINING A DWELLING UNIT AS DEFINED IN THIS SECTION BY AN AMOUNT NOT IN EXCESS OF THAT PORTION OF ANY INCREASE IN MAXIMUM RENT WHICH CAUSES SUCH MAXIMUM RENT TO EXCEED ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, WHERE THE HEAD OF THE HOUSEHOLD IS A PERSON SIXTY-TWO YEARS OF AGE OR OLDER.

B. ANY SUCH LOCAL LAW, ORDINANCE OR RESOLUTION ESTABLISHED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION, SHALL PROVIDE THAT FOR A DWELLING UNIT WHERE THE HEAD OF THE HOUSEHOLD QUALIFIES AS A PERSON WITH A DISABILITY PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, NO TAX ABATEMENT SHALL BE GRANTED IF THE COMBINED INCOME FOR ALL MEMBERS OF THE HOUSEHOLD FOR THE CURRENT INCOME TAX YEAR EXCEEDS THE MAXIMUM INCOME AT WHICH SUCH HEAD OF THE HOUSEHOLD WOULD NOT BE ELIGIBLE TO RECEIVE CASH SUPPLEMENTAL SECURITY INCOME BENEFITS UNDER FEDERAL LAW DURING SUCH TAX YEAR.

S 2. Section 467-c of the real property tax law is amended by adding a new subdivision 13 to read as follows:

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

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13. A. NOTWITHSTANDING SUBDIVISIONS TWO AND THREE OF THIS SECTION OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, AND IN ADDITION TO ANY EXISTING SENIOR CITIZEN RENT EXEMPTION, THE GOVERNING BODY OF ANY CITY HAVING A POPULATION OF ONE MILLION OR MORE, ACTING THROUGH ITS LOCAL LEGISLATIVE BODY OR OTHER GOVERNING AGENCY IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS OR ORDINANCES PROVIDING THAT REAL PROPERTY OF A HOUSING COMPANY SHALL BE EXEMPT FROM REAL PROPERTY TAXES, IN AN AMOUNT EQUAL TO THE RENT INCREASE EXEMPTIONS ACTUALLY CREDITED TO ELIGIBLE HEADS OF HOUSEHOLDS PURSUANT TO THIS SECTION. ANY SUCH EXEMPTION SHALL BE IN ADDITION TO ANY OTHER EXEMPTION OR ABATEMENT OF TAXES AUTHORIZED BY LAW.

B. ANY SUCH LOCAL LAW OR ORDINANCE SHALL PROVIDE THAT A HEAD OF THE HOUSEHOLD SIXTY-TWO YEARS OF AGE OR OLDER MAY OBTAIN A RENT INCREASE EXEMPTION ORDER/TAX ABATEMENT CERTIFICATE ENTITLING HIM OR HER TO AN EXEMPTION FROM INCREASES IN THE MAXIMUM RENT OTHERWISE PAYABLE WHERE THE HEAD OF THE HOUSEHOLD DOES NOT RECEIVE A MONTHLY ALLOWANCE FOR SHELTER PURSUANT TO THE SOCIAL SERVICES LAW, THE AMOUNT BY WHICH INCREASES IN THE MAXIMUM RENT SUBSEQUENT TO SUCH PERSON'S ELIGIBILITY DATE HAVE RESULTED IN THE MAXIMUM RENT EXCEEDING ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD FOR THE TAXABLE PERIOD.

S 3. This act shall take effect immediately; provided however that the amendments to section 467-b of the real property tax law made by section one of this act shall survive the expiration and reversion of such section as provided in section 17 of chapter 576 of the laws of 1974, as amended.