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

3995

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. CYMBROWITZ, PHEFFER -- read once and referred to the Committee on Housing

AN ACT to amend the private housing finance law, in relation to the income limits applicable to residents of limited-profit housing companies and limited-dividend housing companies

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

Section 1. Paragraph (a) of subdivision 2 of section 31 of the private housing finance law, as amended by chapter 260 of the laws of 1996, is amended to read as follows:

(a) The dwelling or non-housekeeping accommodations without board in a company project shall be available for persons or families of low income whose probable aggregate annual income at the time of admission and during the period of occupancy does not exceed, the greater of (i) the median income for such persons or families for the metropolitan statistical area in which the project is located, or if a project is located outside a metropolitan statistical area, the median income for such persons or families for the county in which the project is located, as most recently determined by the United States department of housing and urban development, in which case any person or family becoming eligible for admission pursuant to this subparagraph shall pay, from the time of admission, a rental surcharge as provided for in subdivision three of this section, computed on the basis of the income limitations applicable to such persons or families in the absence of this subparagraph, or (ii) [seven] *EIGHT* times the rental, including the value or cost to them of heat, light, water and cooking fuel, of the dwellings that may be furnished to such persons or families[, except that in the case of families with three or more dependents, such ratio shall not exceed eight to one]. The "probable aggregate annual income" in the case of dwelling accommodations means the annual income of the chief wage earner of the family, plus all other income of other members of the family over the

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

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age of twenty-one years, plus a proportion of income of gainfully employed members under the age of twenty-one years, the proportion to be determined by the company as approved by the commissioner or the supervising agency, as the case may be, excluding therefrom a deduction of fifteen thousand dollars from the income of secondary wage earners of the family or a larger deduction if approved by the commissioner or the supervising agency, as the case may be, except that the company, as approved by the commissioner or the supervising agency, as the case may be, may exclude a proportion of the income of other members of the family over the age of twenty-one years for the purpose of determining eligibility for admission or continued occupancy, or for establishing the rental of such family, or for all such purposes; in the case of such non-housekeeping accommodations it means the annual income of the occupant, provided that the commissioner or supervising agency, as the case may be, may make rules and regulations relative to the allocation of the income of a family among the members thereof for the purpose of determining the income attributable to such occupant.

S 2. Paragraph (e) of subdivision 2 of section 31 of the private housing finance law, as added by chapter 729 of the laws of 1974, is amended to read as follows:

(e) Notwithstanding the provisions of this subdivision, PERSONS OR families [with two or more dependents] whose probable aggregate annual income does not exceed one hundred [twenty-five] FIFTY percent of the limitations as to income as determined pursuant to paragraphs (a) and (b) of this subdivision, shall also be eligible for admission to the dwelling or non-housekeeping accommodations without board of a project on the understanding that any PERSON OR family becoming eligible for admission by reason hereof shall pay, from the time of admission, a rental surcharge as provided for in subdivision three of this section, computed on the basis of the income limitations applicable to such PERSON OR family in the absence of this subdivision. In applying the provisions of subdivision three OF THIS SECTION to a PERSON OR family becoming eligible by reason of this section, the maximum income prescribed by law for admission or occupancy shall for all purposes be computed without reference to this paragraph.

S 3. Paragraphs (a) and (b) of subdivision 1 of section 85-a of the private housing finance law, paragraph (a) as amended by chapter 836 of the laws of 1985 and paragraph (b) as added by chapter 379 of the laws of 1964, are amended to read as follows:

(a) If such project was completed or acquired on or after July first, nineteen hundred fifty-five, for persons or families whose probable aggregate annual income at the time of admission does not exceed [seven] EIGHT times the rental (including the value or cost to them of heat, light, water and cooking fuel) of the dwellings to be furnished such persons or families[, except that in the case of persons or families with three or more dependents, such ratio shall not exceed eight to one];

(b) If such project was completed prior to July first, nineteen hundred fifty-five, for persons or families whose probable aggregate annual income at the time of admission does not exceed [seven] EIGHT times the rental (including the value or cost to them of heat, light, water and cooking fuel) of the dwellings to be furnished such persons or families[, except that in the case of persons or families with three or more dependents, such ratio shall not exceed eight to one];

S 4. Paragraphs (a) and (b) of subdivision 2 of section 85-a of the private housing finance law, as amended by chapter 566 of the laws of 1993, are amended to read as follows:

(a) In the case of such projects constructed or acquired on or after July first, nineteen hundred fifty-five, for such persons or families whose probable aggregate annual income during the period of occupancy does not exceed, the greater of (i) the median income for such persons or families for the metropolitan statistical area in which the project is located, or if a project is located outside a metropolitan statistical area, the median income for such persons or families for the county in which the project is located, as most recently determined by the United States department of housing and urban development, in which case any person or family becoming eligible for admission pursuant to this subparagraph shall pay, from the time of admission, a rental surcharge as provided for in subdivision three of this section, computed on the basis of the income limitations applicable to such persons or families in the absence of this subparagraph, or (ii) [seven] EIGHT times the rental (including the value or cost to them of heat, light, water and cooking fuel) of the dwellings to be furnished such persons or families[, except that in the case of persons or families with three or more dependents, such ratio shall not exceed eight to one]. For the purpose of determining the eligibility of tenant cooperators in a mutual housing company project, there shall be added to the total annual carrying charges an amount equal to six per centum of the investment of a person or family in the equity obligations of such housing company and, to the extent authorized by the commissioner or the supervising agency as the case may be, the value or cost to them of repainting and the replacement of fixtures and appliances;

(b) In the case of such projects constructed prior to July first, nineteen hundred fifty-five, for such persons or families whose probable aggregate annual income during the period of occupancy does not exceed, the greater of (i) the median income for such persons or families for the metropolitan statistical area in which the project is located, or if a project is located outside a metropolitan statistical area, the median income for such persons or families for the county in which the project is located, as most recently determined by the United States department of housing and urban development, in which case any person or family becoming eligible for admission pursuant to this subparagraph shall pay, from the time of admission, a rental surcharge as provided for in subdivision three of this section, computed on the basis of the income limitations applicable to such persons or families in the absence of this subparagraph, or (ii) [seven] EIGHT times the rental (including the value or cost to them of heat, light, water and cooking fuel) of the dwellings to be furnished such persons or families[, except that in the case of persons or families with three or more dependents, such ratio shall not exceed eight to one]; provided, however, that, in the discretion of the commissioner upon application of the mutual housing company, the income limitations set forth in paragraph (a) of this subdivision shall be applicable to such projects, and, in such case, investment in the equity obligations of such housing companies shall include: the value of the stock of said housing company at time of purchase; all moneys paid towards the rental of the dwellings which are allocated to the reduction of the principal amount of the mortgage loan secured by a mortgage lien on the real property of the housing company; and all accruals to equity, approved by the commissioner, resulting from capital improvements;

S 5. Subdivision 8 of section 85-a of the private housing finance law, as added by chapter 729 of the laws of 1974, is amended to read as follows:

8. Notwithstanding the provisions of this section, persons or families [with two or more dependents] whose probable aggregate annual income does not exceed one hundred [twenty-five] FIFTY percent of the limitations as to income applicable without reference to this subdivision, shall also be eligible for admission to the project on the understanding that any person or family becoming eligible by reason hereof, shall pay from the time of admission a rental surcharge computed on the basis of the income ratios applicable to such person or family in the absence of this subdivision. In applying the provisions of paragraphs (c) and (d) of subdivision one and of paragraph (d) of subdivision two of this section to a family becoming eligible by reason of this subdivision, the "ratio prescribed by law" shall mean such ratio as would be prescribed in the absence of this subdivision.

S 6. This act shall take effect on the ninetieth day after it shall have become a law.