

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH, COOK, DINOWITZ, FARRELL, CLARK, MAYER-SOHN, LENTOL, BOYLAND -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, BING, BRENNAN, BROOK-KRASNY, CAHILL, COLTON, CYMBROWITZ, DelMONTE, DIAZ, EDDINGTON, GIANARIS, GLICK, GOTTFRIED, GREENE, JACOBS, JOHN, MARKEY, McENENY, MILLMAN, NOLAN, O'DONNELL, ORTIZ, PERRY, PHEFFER, POWELL, J. RIVERA, ROBINSON, WEINSTEIN, WEISENBERG, WRIGHT -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to increasing the allowable maximum income of persons occupying rental units otherwise eligible for tax abatement in certain cases

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, as separately amended by chapters 188 and 205 of the  
3 laws of 2005, is amended to read as follows:  
4 a. for a dwelling unit where the head of the household is a person  
5 sixty-two years of age or older, no tax abatement shall be granted if  
6 the combined income of all members of the household for the income tax  
7 year immediately preceding the date of making application exceeds four  
8 thousand dollars, or such other sum not more than twenty-five thousand  
9 dollars beginning July first, two thousand five, twenty-six thousand  
10 dollars beginning July first, two thousand six, twenty-seven thousand  
11 dollars beginning July first, two thousand seven, twenty-eight thousand  
12 dollars beginning July first, two thousand eight, [and] twenty-nine  
13 thousand dollars beginning July first, two thousand nine, AND FIFTY  
14 THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND TEN, as may be  
15 provided by the local law, ordinance or resolution adopted pursuant to  
16 this section, provided that when the head of the household retires  
17 before the commencement of such income tax year and the date of filing  
18 the application, the income for such year may be adjusted by excluding

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

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

3 S 2. Paragraph d of subdivision 1 of section 467-c of the real proper-  
4 ty tax law, as separately amended by chapters 188 and 205 of the laws of  
5 2005, is amended to read as follows:

6 d. "Eligible head of the household" means (1) a person or his or her  
7 spouse who is sixty-two years of age or older and is entitled to the  
8 possession or to the use and occupancy of a dwelling unit, provided,  
9 however, with respect to a dwelling which was subject to a mortgage  
10 insured or initially insured by the federal government pursuant to  
11 section two hundred thirteen of the National Housing Act, as amended  
12 "eligible head of the household" shall be limited to that person or his  
13 or her spouse who was entitled to possession or the use and occupancy of  
14 such dwelling unit at the time of termination of such mortgage, and  
15 whose income when combined with the income of all other members of the  
16 household, does not exceed six thousand five hundred dollars for the  
17 taxable period, or such other sum not less than sixty-five hundred  
18 dollars nor more than twenty-five thousand dollars beginning July first,  
19 two thousand five, twenty-six thousand dollars beginning July first, two  
20 thousand six, twenty-seven thousand dollars beginning July first, two  
21 thousand seven, twenty-eight thousand dollars beginning July first, two  
22 thousand eight, [and] twenty-nine thousand dollars beginning July first,  
23 two thousand nine, AND FIFTY THOUSAND DOLLARS BEGINNING JULY FIRST, TWO  
24 THOUSAND TEN, as may be provided by local law; or (2) a person with a  
25 disability as defined in this subdivision.

26 S 3. This act shall take effect immediately, provided, however, that  
27 the amendments to section 467-b of the real property tax law made by  
28 section one of this act shall not affect the expiration of such section  
29 pursuant to chapter 576 of the laws of 1974, as amended, and shall be  
30 deemed to expire therewith.