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

1134

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sens. PERKINS, DIAZ, DILAN, DUANE, HASSELL-THOMPSON, KRUEGER, MONTGOMERY, ONORATO, PARKER, SCHNEIDERMAN, STAVISKY, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the real property tax law, in relation to increasing the combined household income limit for eligibility for a senior citizen rent increase exemption (SCRIE) and for a municipal property tax abatement for rent-controlled and rent regulated property occupied by senior citizens on the basis of the consumer price index

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

Section 1. Paragraph a of subdivision 3 of section 467-b of the real property tax law, as separately amended by chapters 188 and 205 of the laws of 2005, is amended to read as follows:

a. for a dwelling unit where the head of the household is a person sixty-two years of age or older, no tax abatement shall be granted if the combined income of all members of the household for the income tax year immediately preceding the date of making application exceeds four thousand dollars, or such other sum not more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine, as may be provided by the local law, ordinance or resolution adopted pursuant to this section, provided that when the head of the household retires before the commencement of such income tax year and the date of filing the application, the income for such year may be adjusted by excluding salary or earnings and projecting his or her retirement income over the entire period of such year. THE MAXIMUM INCOME THRESHOLD PROVIDED FOR HEREIN SHALL BE INCREASED BY ORDER OF THE COMMISSIONER OF THE STATE DIVISION OF

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

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HOUSING AND COMMUNITY RENEWAL ON JANUARY FIRST OF EACH YEAR TO REFLECT ANY INCREASE IN THE REGIONAL CONSUMER PRICE INDEX FOR THE N.Y., N.Y.-NORTHEASTERN, N.J. AREA, BASED UPON THE INDEX FOR ALL URBAN CONSUMERS (CPI-U) DURING THE PRECEDING TWELVE MONTH PERIOD.

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

d. "Eligible head of the household" means (1) a person or his or her spouse who is sixty-two years of age or older and is entitled to the possession or to the use and occupancy of a dwelling unit, provided, however, with respect to a dwelling which was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended "eligible head of the household" shall be limited to that person or his or her spouse who was entitled to possession or the use and occupancy of such dwelling unit at the time of termination of such mortgage, and whose income when combined with the income of all other members of the household, does not exceed six thousand five hundred dollars for the taxable period, or such other sum not less than sixty-five hundred dollars nor more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine, as may be provided by local law; or (2) a person with a disability as defined in this subdivision. THE MAXIMUM INCOME THRESHOLD PROVIDED FOR HEREIN SHALL BE INCREASED BY ORDER OF THE COMMISSIONER OF THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL ON JANUARY FIRST OF EACH YEAR TO REFLECT ANY INCREASE IN THE REGIONAL CONSUMER PRICE INDEX FOR THE N.Y., N.Y.-NORTHEASTERN, N.J. AREA, BASED UPON THE INDEX FOR ALL URBAN CONSUMERS (CPI-U) DURING THE PRECEDING TWELVE MONTH PERIOD.

S 3. This act shall take effect immediately, provided that the amendment to paragraph a of subdivision 3 of section 467-b of the real property tax law made by section one of this act shall not affect the expiration of such section pursuant to section 17 of chapter 576 of the laws of 1974, as amended, and shall be deemed to expire therewith.