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

3498

2009-2010 Regular Sessions

I N S E N A T E

March 20, 2009

Introduced by Sens. ADDABBO, ADAMS, DILAN, HUNTLEY, MONSERRATE, ONORATO, OPPENHEIMER, SAVINO, 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 the definition of income for purposes of the senior citizen rent increase exemptions (SCRIE) program

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

Section 1. Paragraph c of subdivision 1 of section 467-b of the real property tax law, as amended by chapter 500 of the laws of 2001, is amended to read as follows:

c. "Income" means income from all sources after deduction of all income and social security taxes and includes social security and retirement benefits, supplemental security income and additional state payments, public assistance benefits, interest, dividends, net rental income, salary or earnings, and net income from self-employment, but shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the date of eligibility of head of the household receiving benefits hereunder whether received by the head of the household or any other member of the household; PROVIDED HOWEVER THAT INCOME SHALL NOT INCLUDE INCOME FROM SOCIAL SECURITY BENEFITS OR SUPPLEMENTAL SECURITY INCOME PAYMENTS IF THE GOVERNING BOARD OF THE MUNICIPALITY IN WHICH THE SENIOR CITIZEN RESIDES, AFTER PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE, OR RESOLUTION ELECTING TO EXEMPT SUCH BENEFITS AND PAYMENTS;

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

LBD02929-01-9

S 2. Paragraph f of subdivision 1 of section 467-c of the real property tax law, as amended by chapter 500 of the laws of 2001, is amended to read as follows:

f. "Income" means income received by the eligible head of the household combined with the income of all other members of the household from all sources after deduction of all income and social security taxes and includes without limitation, social security and retirement benefits, supplemental security income and additional state payments, public assistance benefits, interest, dividends, net rental income, salary and earnings, and net income from self employment, but shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution as defined in P.L. 103-286, nor increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the eligibility date of an eligible head of the household receiving benefits hereunder whether received by the eligible head of the household or any other member of the household. When the eligible head of the household has retired on or after the commencement of the taxable period and prior to the date of making an application for a rent increase exemption order/tax abatement certificate pursuant to this section, such person's income shall be adjusted by excluding salary or earnings and projecting such person's retirement income over the entire taxable period. FOR PURPOSES OF DETERMINING INCOME PURSUANT TO THIS PARAGRAPH, INCOME SHALL NOT INCLUDE SOCIAL SECURITY BENEFITS AND SUPPLEMENTAL SECURITY INCOME PAYMENTS IF THE GOVERNING BOARD OF THE LOCAL MUNICIPALITY IN WHICH THE SENIOR CITIZEN RESIDES, AFTER PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE, OR RESOLUTION ELECTING TO EXEMPT SUCH BENEFITS AND PAYMENTS.

S 3. This act shall take effect immediately; provided, however, that the amendments to paragraph c of subdivision 1 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 and shall be deemed to expire therewith.