

2009-2010 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2009

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Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the private housing finance law, in relation to the definition of "probable aggregate income"

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

1     Section 1. Paragraph (a) of subdivision 2 of section 31 of the private  
2     housing finance law, as amended by chapter 260 of the laws of 1996, is  
3     amended to read as follows:  
4     (a) The dwelling or non-housekeeping accommodations without board in a  
5     company project shall be available for persons or families of low income  
6     whose probable aggregate annual income at the time of admission and  
7     during the period of occupancy does not exceed, the greater of (i) the  
8     median income for such persons or families for the metropolitan statis-  
9     tical area in which the project is located, or if a project is located  
10    outside a metropolitan statistical area, the median income for such  
11    persons or families for the county in which the project is located, as  
12    most recently determined by the United States department of housing and  
13    urban development, in which case any person or family becoming eligible  
14    for admission pursuant to this subparagraph shall pay, from the time of  
15    admission, a rental surcharge as provided for in subdivision three of  
16    this section, computed on the basis of the income limitations applicable  
17    to such persons or families in the absence of this subparagraph, or (ii)  
18    seven times the rental, including the value or cost to them of heat,  
19    light, water and cooking fuel, of the dwellings that may be furnished to  
20    such persons or families, except that in the case of families with three  
21    or more dependents, such ratio shall not exceed eight to one. The "prob-  
22    able aggregate annual income" in the case of dwelling accommodations  
23    means the annual income of the chief wage earner of the family, plus all

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

LBD031111-01-9

1 other income of other members of the family over the age of twenty-one  
2 years, plus a proportion of income of gainfully employed members under  
3 the age of twenty-one years, the proportion to be determined by the  
4 company as approved by the commissioner or the supervising agency, as  
5 the case may be, excluding therefrom a deduction of fifteen thousand  
6 dollars from the income of secondary wage earners of the family or a  
7 larger deduction if approved by the commissioner or the supervising  
8 agency, as the case may be, AND EXCLUDING THEREFROM THE COST OF TUITION,  
9 BOOKS, ROOM AND BOARD, IF ANY, NOT EXCEEDING THE SUM OF FIFTEEN HUNDRED  
10 DOLLARS FOR EACH DEPENDENT CHILD WHO IS OR HAS BEEN A FULL TIME STUDENT  
11 DURING FIVE MONTHS OF THE CALENDAR YEAR AT ANY INSTITUTION OF HIGHER  
12 EDUCATION, RECOGNIZED AND APPROVED BY THE REGENTS OF THE UNIVERSITY OF  
13 THE STATE OF NEW YORK OR BY A SIMILAR BODY OF ANY OTHER STATE, WHICH  
14 PROVIDES A COURSE OF STUDY LEADING TO THE GRANTING OF A POST-SECONDARY  
15 DEGREE OR DIPLOMA OR AT ANY BUSINESS, TRADE, TECHNICAL OR OTHER OCCUPA-  
16 TIONAL SCHOOL APPROVED AS SUCH BY THE REGENTS OF THE UNIVERSITY OF THE  
17 STATE OF NEW YORK OR ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING  
18 AGENCY OR ASSOCIATION ACCEPTED AS SUCH BY THE REGENTS OF THE STATE OF  
19 NEW YORK, AND except that the company, as approved by the commissioner  
20 or the supervising agency, as the case may be, may exclude a proportion  
21 of the income of other members of the family over the age of twenty-one  
22 years for the purpose of determining eligibility for admission or  
23 continued occupancy, or for establishing the rental of such family, or  
24 for all such purposes; in the case of such non-housekeeping accommo-  
25 dations it means the annual income of the occupant, provided that the  
26 commissioner or supervising agency, as the case may be, may make rules  
27 and regulations relative to the allocation of the income of a family  
28 among the members thereof for the purpose of determining the income  
29 attributable to such occupant.

30 S 2. Subdivision 5 of section 85-a of the private housing finance law,  
31 as amended by chapter 182 of the laws of 1997, is amended to read as  
32 follows:

33 5. The "probable aggregate annual income" means the annual income of  
34 the chief wage earner of the family plus all other income of members of  
35 the family over the age of twenty-one years, plus a proportion of the  
36 income of members under the age of twenty-one years to be determined by  
37 the commissioner, excluding therefrom a deduction of fifteen thousand  
38 dollars from the income of secondary wage earners of the family or a  
39 larger deduction if approved by the commissioner or the supervising  
40 agency, as the case may be, AND EXCLUDING THEREFROM THE COST OF TUITION,  
41 BOOKS, ROOM AND BOARD, IF ANY, NOT EXCEEDING THE SUM OF FIFTEEN HUNDRED  
42 DOLLARS FOR EACH DEPENDENT CHILD WHO IS OR HAS BEEN A FULL TIME STUDENT  
43 DURING FIVE MONTHS OF THE CALENDAR YEAR AT ANY INSTITUTION OF HIGHER  
44 EDUCATION, RECOGNIZED AND APPROVED BY THE REGENTS OF THE UNIVERSITY OF  
45 THE STATE OF NEW YORK OR BY A SIMILAR BODY OF ANY OTHER STATE, WHICH  
46 PROVIDES A COURSE OF STUDY LEADING TO THE GRANTING OF A POST-SECONDARY  
47 DEGREE OR DIPLOMA OR AT ANY BUSINESS, TRADE, TECHNICAL OR OTHER OCCUPA-  
48 TIONAL SCHOOL APPROVED AS SUCH BY THE REGENTS OF THE UNIVERSITY OF THE  
49 STATE OF NEW YORK OR ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING  
50 AGENCY OR ASSOCIATION ACCEPTED AS SUCH BY THE REGENTS OF THE STATE OF  
51 NEW YORK, except that the company, as approved by the commissioner, may  
52 exclude a proportion of the income of other members of the family over  
53 the age of twenty-one years for the purpose of determining eligibility  
54 for admission or continued occupancy, or for establishing the rental of  
55 such family, or for all such purposes.

1 S 3. Paragraph a of subdivision 3 of section 401 of the private hous-  
2 ing finance law, as amended by chapter 44 of the laws of 1976, is  
3 amended to read as follows:

4 a. The term "persons or families of low income" shall mean "persons of  
5 low income" or "families of low income" as defined in section two of  
6 this chapter, whose probable aggregate annual income during the period  
7 of occupancy does not exceed six times the rental (including the value  
8 or cost to them of heat, light, water and cooking fuel) of dwelling  
9 units occupied by such persons or families in existing multiple dwell-  
10 ings aided by a loan pursuant to this article, except that in the case  
11 of persons or families with three or more dependents, such ratio shall  
12 not exceed seven to one, and except further that the income limitations  
13 prescribed by this paragraph shall be subject to the provisions of  
14 subdivision two of section four hundred three of this article.

15 In calculating annual income, social security payments and income  
16 received from private pension funds by any person sixty-two years of age  
17 or more shall be excluded up to a total maximum amount of seventy-five  
18 dollars per month, AND PROVIDED THAT SUCH ANNUAL INCOME SHALL BE FURTHER  
19 REDUCED BY EXCLUDING THEREFROM THE COST OF TUITION, BOOKS, ROOM AND  
20 BOARD, IF ANY, NOT EXCEEDING THE SUM OF FIFTEEN HUNDRED DOLLARS FOR EACH  
21 DEPENDENT CHILD WHO IS OR HAS BEEN A FULL TIME STUDENT DURING FIVE  
22 MONTHS OF THE CALENDAR YEAR AT ANY INSTITUTION OF HIGHER EDUCATION,  
23 RECOGNIZED AND APPROVED BY THE REGENTS OF THE UNIVERSITY OF THE STATE OF  
24 NEW YORK OR BY A SIMILAR BODY OF ANY OTHER STATE, WHICH PROVIDES A  
25 COURSE OF STUDY LEADING TO THE GRANTING OF A POST-SECONDARY DEGREE OR  
26 DIPLOMA OR AT ANY BUSINESS, TRADE, TECHNICAL OR OTHER OCCUPATIONAL  
27 SCHOOL APPROVED AS SUCH BY THE REGENTS OF THE UNIVERSITY OF THE STATE OF  
28 NEW YORK OR ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING AGENCY OR  
29 ASSOCIATION ACCEPTED AS SUCH BY THE REGENTS OF THE STATE OF NEW YORK.  
30 The term "probable aggregate annual income" means the annual income of  
31 the chief wage earner of the family, plus all other income of other  
32 members of the family over the age of twenty-one years, plus a propor-  
33 tion of income of gainfully employed members under the age of twenty-one  
34 years, the proportion to be determined by the agency. The agency may  
35 exclude a proportion of the income of other members of the family over  
36 the age of twenty-one years for the purpose of determining eligibility  
37 for commencement of occupancy or continued occupancy, or for establish-  
38 ing rental of such family, or for all such purposes.

39 S 4. This act shall take effect on the first of September next  
40 succeeding the date on which it shall have become a law.