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

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2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

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 public housing law and the private housing finance law, in relation to excluding certain tuition costs from aggregate annual income in determining eligibility for occupancy of certain housing projects

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

Section 1. The closing paragraph of subdivision 1 of section 156 of the public housing law, as amended by chapter 893 of the laws of 1974, is amended to read as follows:

The "probable aggregate annual income" means the annual income of the chief wage earner of the family plus all other income of other members of the family over the age of twenty-one years, plus a proportion of the income of members under the age of twenty-one years to be determined by the authority solely for the purpose of establishing rent to be paid, EXCLUDING THEREFROM THE COST OF TUITION, BOOKS, ROOM AND BOARD, IF ANY, NOT EXCEEDING THE SUM OF FIFTEEN HUNDRED DOLLARS, FOR EACH DEPENDENT CHILD WHO IS OR HAS BEEN A FULL TIME STUDENT DURING FIVE MONTHS OF THE CALENDAR YEAR AT ANY COLLEGE, COMMUNITY COLLEGE, GRADUATE SCHOOL, PROFESSIONAL SCHOOL, OR ANY OTHER INSTITUTION OF HIGHER EDUCATION WHICH NORMALLY MAINTAINS A REGULAR FACULTY AND CURRICULUM AND NORMALLY HAS A REGULARLY ORGANIZED BODY OF STUDENTS IN ATTENDANCE AT THE PLACE WHERE ITS EDUCATIONAL ACTIVITIES ARE CARRIED ON, AND except that the authority 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 rental of such family, or for all such purposes, subject to approval by the commissioner with respect to state projects.

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

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S 2. 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 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 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 THE COST OF TUITION, BOOKS, ROOM AND BOARD, IF ANY, NOT EXCEEDING THE SUM OF FIFTEEN HUNDRED DOLLARS, FOR EACH DEPENDENT CHILD WHO IS OR HAS BEEN A FULL TIME STUDENT DURING FIVE MONTHS OF THE CALENDAR YEAR AT ANY COLLEGE, COMMUNITY COLLEGE, GRADUATE SCHOOL, PROFESSIONAL SCHOOL, OR ANY OTHER INSTITUTION OF HIGHER EDUCATION WHICH NORMALLY MAINTAINS A REGULAR FACULTY AND CURRICULUM AND NORMALLY HAS A REGULARLY ORGANIZED BODY OF STUDENTS IN ATTENDANCE AT THE PLACE WHERE ITS EDUCATIONAL ACTIVITIES ARE CARRIED ON, AND ALSO 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 3. Subdivision 5 of section 85-a of the private housing finance law, as amended by chapter 182 of the laws of 1997, is amended to read as follows:

5. The "probable aggregate annual income" means the annual income of the chief wage earner of the family plus all other income of members of the family over the age of twenty-one years, plus a proportion of the income of members under the age of twenty-one years to be determined by

the commissioner, EXCLUDING THEREFROM THE COST OF TUITION, BOOKS, ROOM AND BOARD, IF ANY, NOT EXCEEDING THE SUM OF FIFTEEN HUNDRED DOLLARS, FOR EACH DEPENDENT CHILD WHO IS OR HAS BEEN A FULL TIME STUDENT DURING FIVE MONTHS OF THE CALENDAR YEAR AT ANY COLLEGE, COMMUNITY COLLEGE, GRADUATE SCHOOL, PROFESSIONAL SCHOOL, OR ANY OTHER INSTITUTION OF HIGHER EDUCATION WHICH NORMALLY MAINTAINS A REGULAR FACULTY AND CURRICULUM AND NORMALLY HAS A REGULARLY ORGANIZED BODY OF STUDENTS IN ATTENDANCE AT THE PLACE WHERE ITS EDUCATIONAL ACTIVITIES ARE CARRIED ON, AND ALSO 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, 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.

S 4. This act shall take effect immediately.