

2210

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sen. DIAZ -- 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 excluding certain expenditures for medical care from the definition of "income" for the purpose of a tax abatement for rent-controlled and rent regulated property occupied by senior citizens

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

1 Section 1. Paragraph c of subdivision 1 of section 467-b of the real
2 property tax law, as amended by chapter 500 of the laws of 2001, is
3 amended to read as follows:
4 c. "Income" means income from all sources after deduction of all
5 income and social security taxes and includes social security and
6 retirement benefits, supplemental security income and additional state
7 payments, public assistance benefits, interest, dividends, net rental
8 income, salary or earnings, and net income from self-employment, but
9 shall not include gifts or inheritances, payments made to individuals
10 because of their status as victims of Nazi persecution, as defined in
11 P.L. 103-286, or increases in benefits accorded pursuant to the social
12 security act or a public or private pension paid to any member of the
13 household which increase, in any given year, does not exceed the consum-
14 er price index (all items United States city average) for such year
15 which take effect after the date of eligibility of head of the household
16 receiving benefits hereunder whether received by the head of the house-
17 hold or any other member of the household AND ANY SUCH INCOME SHALL BE
18 OFFSET BY ALL MEDICAL AND PRESCRIPTION DRUG EXPENSES ACTUALLY PAID WHICH
19 WERE NOT REIMBURSED OR PAID FOR BY INSURANCE, IF THE GOVERNING BOARD OF
20 A MUNICIPALITY, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR
21 RESOLUTION PROVIDING THEREFOR;

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

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

4 f. "Income" means income received by the eligible head of the house-
5 hold combined with the income of all other members of the household from
6 all sources after deduction of all income and social security taxes and
7 includes without limitation, social security and retirement benefits,
8 supplemental security income and additional state payments, public
9 assistance benefits, interest, dividends, net rental income, salary and
10 earnings, and net income from self employment, but shall not include
11 gifts or inheritances, payments made to individuals because of their
12 status as victims of Nazi persecution as defined in P.L. 103-286, nor
13 increases in benefits accorded pursuant to the social security act or a
14 public or private pension paid to any member of the household which
15 increase, in any given year, does not exceed the consumer price index
16 (all items United States city average) for such year which take effect
17 after the eligibility date of an eligible head of the household receiv-
18 ing benefits hereunder whether received by the eligible head of the
19 household or any other member of the household AND ANY SUCH INCOME
20 SHALL BE OFFSET BY ALL MEDICAL AND PRESCRIPTION DRUG EXPENSES ACTUALLY
21 PAID WHICH WERE NOT REIMBURSED OR PAID FOR BY INSURANCE, IF THE GOVERN-
22 ING BOARD OF A MUNICIPALITY, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW,
23 ORDINANCE OR RESOLUTION PROVIDING THEREFOR. When the eligible head of
24 the household has retired on or after the commencement of the taxable
25 period and prior to the date of making an application for a rent
26 increase exemption order/tax abatement certificate pursuant to this
27 section, such person's income shall be adjusted by excluding salary or
28 earnings and projecting such person's retirement income over the entire
29 taxable period.

30 S 3. This act shall take effect immediately, provided that the amend-
31 ment to paragraph c of subdivision 1 of section 467-b of the real prop-
32 erty tax law, made by section one of this act, shall not affect the
33 expiration of such section and shall be deemed to expire therewith.