

4870

2009-2010 Regular Sessions

I N S E N A T E

April 27, 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 increasing the allowable maximum income of persons occupying rental units otherwise eligible for tax abatement in certain cases

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

1 Section 1. Paragraph a of subdivision 3 of section 467-b of the real
2 property tax law, as separately amended by chapters 188 and 205 of the
3 laws of 2005, is amended to read as follows:
4 a. for a dwelling unit where the head of the household is a person
5 sixty-two years of age or older, no tax abatement shall be granted if
6 the combined income of all members of the household for the income tax
7 year immediately preceding the date of making application exceeds four
8 thousand dollars, or such other sum not more than twenty-five thousand
9 dollars beginning July first, two thousand five, twenty-six thousand
10 dollars beginning July first, two thousand six, twenty-seven thousand
11 dollars beginning July first, two thousand seven, twenty-eight thousand
12 dollars beginning July first, two thousand eight, [and] twenty-nine
13 thousand dollars beginning July first, two thousand nine, AND FIFTY
14 THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND TEN, as may be
15 provided by the local law, ordinance or resolution adopted pursuant to
16 this section, provided that when the head of the household retires
17 before the commencement of such income tax year and the date of filing
18 the application, the income for such year may be adjusted by excluding
19 salary or earnings and projecting his or her retirement income over the
20 entire period of such year.
21 S 2. Paragraph d of subdivision 1 of section 467-c of the real proper-
22 ty tax law, as separately amended by chapters 188 and 205 of the laws of
23 2005, is amended to read as follows:

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

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1 d. "Eligible head of the household" means (1) a person or his or her
2 spouse who is sixty-two years of age or older and is entitled to the
3 possession or to the use and occupancy of a dwelling unit, provided,
4 however, with respect to a dwelling which was subject to a mortgage
5 insured or initially insured by the federal government pursuant to
6 section two hundred thirteen of the National Housing Act, as amended
7 "eligible head of the household" shall be limited to that person or his
8 or her spouse who was entitled to possession or the use and occupancy of
9 such dwelling unit at the time of termination of such mortgage, and
10 whose income when combined with the income of all other members of the
11 household, does not exceed six thousand five hundred dollars for the
12 taxable period, or such other sum not less than sixty-five hundred
13 dollars nor more than twenty-five thousand dollars beginning July first,
14 two thousand five, twenty-six thousand dollars beginning July first, two
15 thousand six, twenty-seven thousand dollars beginning July first, two
16 thousand seven, twenty-eight thousand dollars beginning July first, two
17 thousand eight, [and] twenty-nine thousand dollars beginning July first,
18 two thousand nine, AND FIFTY THOUSAND DOLLARS BEGINNING JULY FIRST, TWO
19 THOUSAND TEN, as may be provided by local law; or (2) a person with a
20 disability as defined in this subdivision.

21 S 3. This act shall take effect immediately, provided, however, that
22 the amendments to section 467-b of the real property tax law made by
23 section one of this act shall not affect the expiration of such section
24 pursuant to chapter 576 of the laws of 1974, as amended, and shall be
25 deemed to expire therewith.