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

892

2009-2010 Regular Sessions

I N S E N A T E

January 21, 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 private housing finance law, in relation to computation of the rental surcharge paid by tenants of limited-profit housing companies

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

Section 1. Subdivision 3 of section 31 of the private housing finance law, as amended by chapter 778 of the laws of 1971, is amended to read as follows:

3. In the event that the income of a person or family in occupancy should increase and exceed the maximum prescribed by law for admission or for continued occupancy, based on the latest existing rent, by more than twenty-five per centum, such person or family shall be subject to removal from the dwelling, non-housekeeping, aged care accommodations or non-housekeeping accommodations for handicapped persons provided, however, that such person or family may be permitted to remain in occupancy until such income exceeds the maximum prescribed by law by more than fifty per centum, if the company, with the approval of the commissioner or the supervising agency, shall determine that removal would cause hardship to such person or family. Any person or family in occupancy whose income exceeds the maximum prescribed by law shall pay a rental surcharge in accordance with a schedule of surcharges to be promulgated by the company with the approval of the commissioner or the supervising agency, as the case may be, provided, however, such rental surcharge shall in no event exceed fifty per centum of the existing rent AND PROVIDED FURTHER, HOWEVER, THE DEFINITION OF INCOME FOR THE PURPOSES OF COMPUTING A RENTAL SURCHARGE FOR ANY PART OF NINETEEN HUNDRED SEVENTY-FOUR AND THEREAFTER SHALL BE THE DEFINITION SET FORTH IN SUBDIVISION TWENTY-NINE OF SECTION TWO OF THIS CHAPTER.

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

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S 2. Notwithstanding any other provision of law to the contrary, any rental surcharge levied for any part of 1974 pursuant to subdivision 3 of section 31 of the private housing finance law shall be recomputed based on the tenant's 1973 income and, for purposes of this recomputation, income shall be as defined by subdivision 29 of section 2 of the private housing finance law. If the amount of the rental surcharge previously levied exceeds the surcharge as recomputed, the difference shall be reimbursed to the tenant.

S 3. This act shall take effect immediately.