

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:

1 Section 1. Subdivision 3 of section 31 of the private housing finance  
2 law, as amended by chapter 778 of the laws of 1971, is amended to read  
3 as follows:  
4 3. In the event that the income of a person or family in occupancy  
5 should increase and exceed the maximum prescribed by law for admission  
6 or for continued occupancy, based on the latest existing rent, by more  
7 than twenty-five per centum, such person or family shall be subject to  
8 removal from the dwelling, non-housekeeping, aged care accommodations or  
9 non-housekeeping accommodations for handicapped persons provided, howev-  
10 er, that such person or family may be permitted to remain in occupancy  
11 until such income exceeds the maximum prescribed by law by more than  
12 fifty per centum, if the company, with the approval of the commissioner  
13 or the supervising agency, shall determine that removal would cause  
14 hardship to such person or family. Any person or family in occupancy  
15 whose income exceeds the maximum prescribed by law shall pay a rental  
16 surcharge in accordance with a schedule of surcharges to be promulgated  
17 by the company with the approval of the commissioner or the supervising  
18 agency, as the case may be, provided, however, such rental surcharge  
19 shall in no event exceed fifty per centum of the existing rent AND  
20 PROVIDED FURTHER, HOWEVER, THE DEFINITION OF INCOME FOR THE PURPOSES OF  
21 COMPUTING A RENTAL SURCHARGE FOR ANY PART OF NINETEEN HUNDRED  
22 SEVENTY-FOUR AND THEREAFTER SHALL BE THE DEFINITION SET FORTH IN SUBDI-  
23 VISION 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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1 S 2. Notwithstanding any other provision of law to the contrary, any  
2 rental surcharge levied for any part of 1974 pursuant to subdivision 3  
3 of section 31 of the private housing finance law shall be recomputed  
4 based on the tenant's 1973 income and, for purposes of this recomputa-  
5 tion, income shall be as defined by subdivision 29 of section 2 of the  
6 private housing finance law. If the amount of the rental surcharge  
7 previously levied exceeds the surcharge as recomputed, the difference  
8 shall be reimbursed to the tenant.

9 S 3. This act shall take effect immediately.