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2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

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 the definition of "probable aggregate income"

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

1 Section 1. Paragraph (a) of subdivision 2 of section 31 of the private
2 housing finance law, as amended by chapter 260 of the laws of 1996, is
3 amended to read as follows:
4 (a) The dwelling or non-housekeeping accommodations without board in a
5 company project shall be available for persons or families of low income
6 whose probable aggregate annual income at the time of admission and
7 during the period of occupancy does not exceed, the greater of (i) the
8 median income for such persons or families for the metropolitan statis-
9 tical area in which the project is located, or if a project is located
10 outside a metropolitan statistical area, the median income for such
11 persons or families for the county in which the project is located, as
12 most recently determined by the United States department of housing and
13 urban development, in which case any person or family becoming eligible
14 for admission pursuant to this subparagraph shall pay, from the time of
15 admission, a rental surcharge as provided for in subdivision three of
16 this section, computed on the basis of the income limitations applicable
17 to such persons or families in the absence of this subparagraph, or (ii)
18 seven times the rental, including the value or cost to them of heat,
19 light, water and cooking fuel, of the dwellings that may be furnished to
20 such persons or families, except that in the case of families with three
21 or more dependents, such ratio shall not exceed eight to one. The "prob-
22 able aggregate annual income" in the case of dwelling accommodations
23 means the annual income of the chief wage earner of the family, plus all
24 other income of other members of the family over the age of twenty-one

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

LBD07398-01-1

1 years, plus a proportion of income of gainfully employed members under
2 the age of twenty-one years, the proportion to be determined by the
3 company as approved by the commissioner or the supervising agency, as
4 the case may be, excluding therefrom a deduction of fifteen thousand
5 dollars from the income of secondary wage earners of the family or a
6 larger deduction if approved by the commissioner or the supervising
7 agency, as the case may be, AND EXCLUDING THEREFROM THE COST OF TUITION,
8 BOOKS, ROOM AND BOARD, IF ANY, NOT EXCEEDING THE SUM OF FIFTEEN HUNDRED
9 DOLLARS FOR EACH DEPENDENT CHILD WHO IS OR HAS BEEN A FULL TIME STUDENT
10 DURING FIVE MONTHS OF THE CALENDAR YEAR AT ANY INSTITUTION OF HIGHER
11 EDUCATION, RECOGNIZED AND APPROVED BY THE REGENTS OF THE UNIVERSITY OF
12 THE STATE OF NEW YORK OR BY A SIMILAR BODY OF ANY OTHER STATE, WHICH
13 PROVIDES A COURSE OF STUDY LEADING TO THE GRANTING OF A POST-SECONDARY
14 DEGREE OR DIPLOMA OR AT ANY BUSINESS, TRADE, TECHNICAL OR OTHER OCCUPA-
15 TIONAL SCHOOL APPROVED AS SUCH BY THE REGENTS OF THE UNIVERSITY OF THE
16 STATE OF NEW YORK OR ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING
17 AGENCY OR ASSOCIATION ACCEPTED AS SUCH BY THE REGENTS OF THE STATE OF
18 NEW YORK, AND except that the company, as approved by the commissioner
19 or the supervising agency, as the case may be, may exclude a proportion
20 of the income of other members of the family over the age of twenty-one
21 years for the purpose of determining eligibility for admission or
22 continued occupancy, or for establishing the rental of such family, or
23 for all such purposes; in the case of such non-housekeeping accommo-
24 dations it means the annual income of the occupant, provided that the
25 commissioner or supervising agency, as the case may be, may make rules
26 and regulations relative to the allocation of the income of a family
27 among the members thereof for the purpose of determining the income
28 attributable to such occupant.

29 S 2. Subdivision 5 of section 85-a of the private housing finance law,
30 as amended by chapter 182 of the laws of 1997, is amended to read as
31 follows:

32 5. The "probable aggregate annual income" means the annual income of
33 the chief wage earner of the family plus all other income of members of
34 the family over the age of twenty-one years, plus a proportion of the
35 income of members under the age of twenty-one years to be determined by
36 the commissioner, excluding therefrom a deduction of fifteen thousand
37 dollars from the income of secondary wage earners of the family or a
38 larger deduction if approved by the commissioner or the supervising
39 agency, as the case may be, AND EXCLUDING THEREFROM THE COST OF TUITION,
40 BOOKS, ROOM AND BOARD, IF ANY, NOT EXCEEDING THE SUM OF FIFTEEN HUNDRED
41 DOLLARS FOR EACH DEPENDENT CHILD WHO IS OR HAS BEEN A FULL TIME STUDENT
42 DURING FIVE MONTHS OF THE CALENDAR YEAR AT ANY INSTITUTION OF HIGHER
43 EDUCATION, RECOGNIZED AND APPROVED BY THE REGENTS OF THE UNIVERSITY OF
44 THE STATE OF NEW YORK OR BY A SIMILAR BODY OF ANY OTHER STATE, WHICH
45 PROVIDES A COURSE OF STUDY LEADING TO THE GRANTING OF A POST-SECONDARY
46 DEGREE OR DIPLOMA OR AT ANY BUSINESS, TRADE, TECHNICAL OR OTHER OCCUPA-
47 TIONAL SCHOOL APPROVED AS SUCH BY THE REGENTS OF THE UNIVERSITY OF THE
48 STATE OF NEW YORK OR ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING
49 AGENCY OR ASSOCIATION ACCEPTED AS SUCH BY THE REGENTS OF THE STATE OF
50 NEW YORK, except that the company, as approved by the commissioner, may
51 exclude a proportion of the income of other members of the family over
52 the age of twenty-one years for the purpose of determining eligibility
53 for admission or continued occupancy, or for establishing the rental of
54 such family, or for all such purposes.

1 S 3. Paragraph a of subdivision 3 of section 401 of the private hous-
2 ing finance law, as amended by chapter 44 of the laws of 1976, is
3 amended to read as follows:

4 a. The term "persons or families of low income" shall mean "persons of
5 low income" or "families of low income" as defined in section two of
6 this chapter, whose probable aggregate annual income during the period
7 of occupancy does not exceed six times the rental (including the value
8 or cost to them of heat, light, water and cooking fuel) of dwelling
9 units occupied by such persons or families in existing multiple dwell-
10 ings aided by a loan pursuant to this article, except that in the case
11 of persons or families with three or more dependents, such ratio shall
12 not exceed seven to one, and except further that the income limitations
13 prescribed by this paragraph shall be subject to the provisions of
14 subdivision two of section four hundred three of this article.

15 In calculating annual income, social security payments and income
16 received from private pension funds by any person sixty-two years of age
17 or more shall be excluded up to a total maximum amount of seventy-five
18 dollars per month, AND PROVIDED THAT SUCH ANNUAL INCOME SHALL BE FURTHER
19 REDUCED BY EXCLUDING THEREFROM THE COST OF TUITION, BOOKS, ROOM AND
20 BOARD, IF ANY, NOT EXCEEDING THE SUM OF FIFTEEN HUNDRED DOLLARS FOR EACH
21 DEPENDENT CHILD WHO IS OR HAS BEEN A FULL TIME STUDENT DURING FIVE
22 MONTHS OF THE CALENDAR YEAR AT ANY INSTITUTION OF HIGHER EDUCATION,
23 RECOGNIZED AND APPROVED BY THE REGENTS OF THE UNIVERSITY OF THE STATE OF
24 NEW YORK OR BY A SIMILAR BODY OF ANY OTHER STATE, WHICH PROVIDES A
25 COURSE OF STUDY LEADING TO THE GRANTING OF A POST-SECONDARY DEGREE OR
26 DIPLOMA OR AT ANY BUSINESS, TRADE, TECHNICAL OR OTHER OCCUPATIONAL
27 SCHOOL APPROVED AS SUCH BY THE REGENTS OF THE UNIVERSITY OF THE STATE OF
28 NEW YORK OR ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING AGENCY OR
29 ASSOCIATION ACCEPTED AS SUCH BY THE REGENTS OF THE STATE OF NEW YORK.
30 The term "probable aggregate annual income" means the annual income of
31 the chief wage earner of the family, plus all other income of other
32 members of the family over the age of twenty-one years, plus a propor-
33 tion of income of gainfully employed members under the age of twenty-one
34 years, the proportion to be determined by the agency. The agency may
35 exclude a proportion of the income of other members of the family over
36 the age of twenty-one years for the purpose of determining eligibility
37 for commencement of occupancy or continued occupancy, or for establish-
38 ing rental of such family, or for all such purposes.

39 S 4. This act shall take effect on the first of September next
40 succeeding the date on which it shall have become a law.