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

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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:

Section 1. Paragraph (a) of subdivision 2 of section 31 of the private housing finance law, as amended by chapter 260 of the laws of 1996, is amended to read as follows:

(a) The dwelling or non-housekeeping accommodations without board in a company project shall be available for persons or families of low income whose probable aggregate annual income at the time of admission and during the period of occupancy does not exceed, the greater of (i) the median income for such persons or families for the metropolitan statistical area in which the project is located, or if a project is located outside a metropolitan statistical area, the median income for such persons or families for the county in which the project is located, as most recently determined by the United States department of housing and urban development, in which case any person or family becoming eligible for admission pursuant to this subparagraph shall pay, from the time of admission, a rental surcharge as provided for in subdivision three of this section, computed on the basis of the income limitations applicable to such persons or families in the absence of this subparagraph, or (ii) seven times the rental, including the value or cost to them of heat, light, water and cooking fuel, of the dwellings that may be furnished to such persons or families, except that in the case of families with three or more dependents, such ratio shall not exceed eight to one. The "probable aggregate annual income" in the case of dwelling accommodations means the annual income of the chief wage earner of the family, plus all 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.

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

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

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

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

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

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

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