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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. DINOWITZ, ENGLEBRIGHT, ZEBROWSKI, J. RIVERA, PHEFFER, JAFFEE -- Multi-Sponsored by -- M. of A. BRENNAN, COLTON, FARRELL, GOTTFRIED, HOOPER, MAISEL, MCENENY, REILLY, SCARBOROUGH, SWEENEY, TITONE -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to excluding certain expenditures for medical care from the definition of "income" for the purpose of a tax abatement for rent-controlled and rent regulated property occupied by senior citizens

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

1 Section 1. Paragraph c of subdivision 1 of section 467-b of the real
2 property tax law, as amended by chapter 500 of the laws of 2001, is
3 amended to read as follows:
4 c. "Income" means income from all sources after deduction of all
5 income and social security taxes and includes social security and
6 retirement benefits, supplemental security income and additional state
7 payments, public assistance benefits, interest, dividends, net rental
8 income, salary or earnings, and net income from self-employment, but
9 shall not include gifts or inheritances, payments made to individuals
10 because of their status as victims of Nazi persecution, as defined in
11 P.L. 103-286, or increases in benefits accorded pursuant to the social
12 security act or a public or private pension paid to any member of the
13 household which increase, in any given year, does not exceed the consum-
14 er price index (all items United States city average) for such year
15 which take effect after the date of eligibility of head of the household
16 receiving benefits hereunder whether received by the head of the house-
17 hold or any other member of the household AND ANY SUCH INCOME SHALL BE
18 OFFSET BY ALL MEDICAL AND PRESCRIPTION DRUG EXPENSES ACTUALLY PAID WHICH
19 WERE NOT REIMBURSED OR PAID FOR BY INSURANCE, IF THE GOVERNING BOARD OF

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

LBD03252-01-1

1 A MUNICIPALITY, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR
2 RESOLUTION PROVIDING THEREFOR;

3 S 2. Paragraph f of subdivision 1 of section 467-c of the real proper-
4 ty tax law, as amended by chapter 500 of the laws of 2001, is amended to
5 read as follows:

6 f. "Income" means income received by the eligible head of the house-
7 hold combined with the income of all other members of the household from
8 all sources after deduction of all income and social security taxes and
9 includes without limitation, social security and retirement benefits,
10 supplemental security income and additional state payments, public
11 assistance benefits, interest, dividends, net rental income, salary and
12 earnings, and net income from self employment, but shall not include
13 gifts or inheritances, payments made to individuals because of their
14 status as victims of Nazi persecution as defined in P.L. 103-286, nor
15 increases in benefits accorded pursuant to the social security act or a
16 public or private pension paid to any member of the household which
17 increase, in any given year, does not exceed the consumer price index
18 (all items United States city average) for such year which take effect
19 after the eligibility date of an eligible head of the household receiv-
20 ing benefits hereunder whether received by the eligible head of the
21 household or any other member of the household AND ANY SUCH INCOME
22 SHALL BE OFFSET BY ALL MEDICAL AND PRESCRIPTION DRUG EXPENSES ACTUALLY
23 PAID WHICH WERE NOT REIMBURSED OR PAID FOR BY INSURANCE, IF THE GOVERN-
24 ING BOARD OF A MUNICIPALITY, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW,
25 ORDINANCE OR RESOLUTION PROVIDING THEREFOR. When the eligible head of
26 the household has retired on or after the commencement of the taxable
27 period and prior to the date of making an application for a rent
28 increase exemption order/tax abatement certificate pursuant to this
29 section, such person's income shall be adjusted by excluding salary or
30 earnings and projecting such person's retirement income over the entire
31 taxable period.

32 S 3. This act shall take effect immediately, provided that the amend-
33 ment to paragraph c of subdivision 1 of section 467-b of the real prop-
34 erty tax law, made by section one of this act, shall not affect the
35 expiration of such section and shall be deemed to expire therewith.