

7938

2015-2016 Regular Sessions

I N A S S E M B L Y

June 1, 2015

Introduced by M. of A. GJONAJ -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to tax abatements for dwelling units occupied by certain persons residing in rent-controlled or rent regulated properties; and providing state aid to cities affected by such tax abatements

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

1 Section 1. The section heading of section 467-b of the real property
2 tax law, as amended by section 1 of chapter 188 of the laws of 2005, is
3 amended to read as follows:
4 Tax abatement for rent-controlled and rent regulated property occupied
5 by senior citizens or persons with disabilities OR PERSONS PAYING A
6 MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
7 COMBINED INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD.
8 S 2. Paragraph b of subdivision 1 of section 467-b of the real proper-
9 ty tax law, as amended by section 1 of chapter 188 of the laws of 2005,
10 is amended to read as follows:
11 b. "Head of the household" means a person (i) who is sixty-two years
12 of age or older, or (ii) who qualifies as a person with a disability
13 pursuant to subdivision five of this section, OR (III) WHO PAYS A MAXI-
14 MUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED
15 INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD, and is entitled to the
16 possession or to the use or occupancy of a dwelling unit;
17 S 3. Subdivision 2 of section 467-b of the real property tax law, as
18 amended by chapter 747 of the laws of 1985, is amended to read as
19 follows:
20 2. The governing body of any municipal corporation is hereby author-
21 ized and empowered to adopt, after public hearing, in accordance with
22 the provisions of this section, a local law, ordinance or resolution
23 providing for the abatement of taxes of said municipal corporation

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

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1 imposed on real property containing a dwelling unit as defined herein by
2 one of the following amounts: (a) where the head of the household does
3 not receive a monthly allowance for shelter pursuant to the social
4 services law, an amount not in excess of that portion of any increase in
5 maximum rent or legal regulated rent which causes such maximum rent or
6 legal regulated rent to exceed one-third of the combined income of all
7 members of the household; or

8 (b) WHERE THE HEAD OF THE HOUSEHOLD QUALIFIES AS A PERSON PAYING A
9 MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
10 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD AND DOES NOT RECEIVE A
11 MONTHLY ALLOWANCE FOR SHELTER PURSUANT TO THE SOCIAL SERVICES LAW, AN
12 AMOUNT NOT IN EXCESS OF THAT PORTION OF ANY INCREASE IN MAXIMUM RENT OR
13 LEGAL REGULATED RENT WHICH CAUSES SUCH MAXIMUM RENT OR LEGAL REGULATED
14 RENT TO EXCEED ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE
15 HOUSEHOLD; OR

16 (C) where the head of the household receives a monthly allowance for
17 shelter pursuant to the social services law, an amount not in excess of
18 that portion of any increase in maximum rent or legal regulated rent
19 which is not covered by the maximum allowance for shelter which such
20 person is entitled to receive pursuant to the social services law.

21 S 4. Paragraph a of subdivision 3 of section 467-b of the real proper-
22 ty tax law, as amended by section 1 of part U of chapter 55 of the laws
23 of 2014, is amended to read as follows:

24 a. for a dwelling unit where the head of the household is a person
25 sixty-two years of age or older OR WHERE THE HEAD OF THE HOUSEHOLD PAYS
26 A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
27 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, no tax abatement shall
28 be granted if the combined income of all members of the household for
29 the income tax year immediately preceding the date of making application
30 exceeds four thousand dollars, or such other sum not more than twenty-
31 five thousand dollars beginning July first, two thousand five, twenty-
32 six thousand dollars beginning July first, two thousand six, twenty-sev-
33 en thousand dollars beginning July first, two thousand seven,
34 twenty-eight thousand dollars beginning July first, two thousand eight,
35 twenty-nine thousand dollars beginning July first, two thousand nine,
36 and fifty thousand dollars beginning July first, two thousand fourteen,
37 as may be provided by the local law, ordinance or resolution adopted
38 pursuant to this section, provided that when the head of the household
39 retires before the commencement of such income tax year and the date of
40 filing the application, the income for such year may be adjusted by
41 excluding salary or earnings and projecting his or her retirement income
42 over the entire period of such year.

43 S 5. Paragraph d of subdivision 1 of section 467-c of the real proper-
44 ty tax law, as separately amended by chapters 188 and 205 of the laws of
45 2005, and subparagraph 1 of paragraph d as amended by section 2 of part
46 U of chapter 55 of the laws of 2014, is amended to read as follows:

47 d. "Eligible head of the household" means (1) a person or his or her
48 spouse who is sixty-two years of age or older, OR A PERSON WHO PAYS A
49 MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL
50 MEMBERS OF THE HOUSEHOLD, and is entitled to the possession or to the
51 use and occupancy of a dwelling unit, provided, however, with respect to
52 a dwelling which was subject to a mortgage insured or initially insured
53 by the federal government pursuant to section two hundred thirteen of
54 the National Housing Act, as amended "eligible head of the household"
55 shall be limited to that person or his or her spouse who was entitled to
56 possession or the use and occupancy of such dwelling unit at the time of

1 termination of such mortgage, and whose income when combined with the
2 income of all other members of the household, does not exceed six thou-
3 sand five hundred dollars for the taxable period, or such other sum not
4 less than sixty-five hundred dollars nor more than twenty-five thousand
5 dollars beginning July first, two thousand five, twenty-six thousand
6 dollars beginning July first, two thousand six, twenty-seven thousand
7 dollars beginning July first, two thousand seven, twenty-eight thousand
8 dollars beginning July first, two thousand eight, twenty-nine thousand
9 dollars beginning July first, two thousand nine, and fifty thousand
10 dollars beginning July first, two thousand fourteen, as may be provided
11 by local law; or (2) a person with a disability as defined in this
12 subdivision.

13 S 6. Subparagraph 1 of paragraph a of subdivision 3 of section 467-c
14 of the real property tax law, as amended by chapter 747 of the laws of
15 1985, is amended to read as follows:

16 (1) where the eligible head of the household WHO IS EITHER SIXTY-TWO
17 YEARS OF AGE OR OLDER OR IS DISABLED does not receive a monthly allow-
18 ance for shelter pursuant to the social services law, the amount by
19 which increases in the maximum rent subsequent to such person's eligi-
20 bility date have resulted in the maximum rent exceeding one-third of the
21 combined income of all members of the household for the taxable period,
22 OR WHERE THE ELIGIBLE HEAD OF THE HOUSEHOLD IS A PERSON WHO PAYS A MAXI-
23 MUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF
24 THE HOUSEHOLD DOES NOT RECEIVE A MONTHLY ALLOWANCE FOR SHELTER PURSUANT
25 TO THE SOCIAL SERVICES LAW, THE AMOUNT BY WHICH INCREASES IN THE MAXIMUM
26 RENT SUBSEQUENT TO SUCH PERSON'S DATE HAVE RESULTED IN THE MAXIMUM RENT
27 EXCEEDING ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSE-
28 HOLD FOR THE TAXABLE PERIOD, except that in no event shall a rent
29 increase exemption order/tax abatement certificate become effective
30 prior to January first, nineteen hundred seventy-six; or

31 S 7. The state comptroller shall annually pay to each city providing
32 real property tax abatements pursuant to sections 467-b and 467-c of the
33 real property tax law an amount equal to 10 per centum of the real prop-
34 erty tax revenue lost during the city fiscal year due to the implementa-
35 tion of the provisions of this act. Each city eligible for state
36 payments pursuant to this section shall provide the state comptroller
37 with such information as he or she shall deem necessary.

38 S 8. This act shall take effect July 1, 2015; provided however, that
39 a. the amendments to section 467-b of the real property tax law, made
40 by sections one, two, three and four of this act shall be subject to the
41 expiration and reversion of such section pursuant to section 17 of chap-
42 ter 576 of the laws of 1974, and shall expire and be deemed repealed
43 therewith;

44 b. the amendments to paragraph a of subdivision 3 of section 467-b of
45 the real property tax law, made by section four of this act shall be
46 subject to the expiration of such paragraph pursuant to section 4 of
47 part U of chapter 55 of the laws of 2014, as amended, and shall be
48 deemed to expire therewith; and

49 c. the amendments to subparagraph (1) of paragraph d of subdivision 1
50 of section 467-c of the real property tax law, made by section five of
51 this act shall not affect the expiration of such subparagraph pursuant
52 to section 4 of part U of chapter 55 of the laws of 2014, as amended,
53 and shall expire and be deemed repealed therewith.