

5971--A

2015-2016 Regular Sessions

I N S E N A T E

June 14, 2015

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Aging in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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, paragraph (c) as added by  
19 chapter 553 of the laws of 2015, is amended to read as follows:

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

LBD11667-03-6

1 2. The governing body of any municipal corporation is hereby author-  
2 ized and empowered to adopt, after public hearing, in accordance with  
3 the provisions of this section, a local law, ordinance or resolution  
4 providing for the abatement of taxes of said municipal corporation  
5 imposed on real property containing a dwelling unit as defined herein by  
6 one of the following amounts: (a) where the head of the household does  
7 not receive a monthly allowance for shelter pursuant to the social  
8 services law, an amount not in excess of that portion of any increase in  
9 maximum rent or legal regulated rent which causes such maximum rent or  
10 legal regulated rent to exceed one-third of the combined income of all  
11 members of the household; or

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

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

25 (c) (D) Provided, however, that in a city of a population of one  
26 million or more, where the head of household has been granted a rent  
27 increase exemption order that is in effect as of January first, two  
28 thousand fifteen or takes effect on or before July first, two thousand  
29 fifteen, the amount determined by paragraph (a) of this subdivision  
30 shall be an amount not in excess of the difference between the maximum  
31 rent or legal regulated rent and the amount specified in such order, as  
32 adjusted by any other provision of this section.

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

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

55 S 5. Paragraph d of subdivision 1 of section 467-c of the real proper-  
56 ty tax law, as separately amended by chapters 188 and 205 of the laws of

1 2005, subparagraph 1 as amended by section 2 of part U of chapter 55 of  
2 the laws of 2014, is amended to read as follows:

3 d. "Eligible head of the household" means (1) a person or his or her  
4 spouse who is sixty-two years of age or older, OR A PERSON WHO PAYS A  
5 MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL  
6 MEMBERS OF THE HOUSEHOLD, and is entitled to the possession or to the  
7 use and occupancy of a dwelling unit, provided, however, with respect to  
8 a dwelling which was subject to a mortgage insured or initially insured  
9 by the federal government pursuant to section two hundred thirteen of  
10 the National Housing Act, as amended "eligible head of the household"  
11 shall be limited to that person or his or her spouse who was entitled to  
12 possession or the use and occupancy of such dwelling unit at the time of  
13 termination of such mortgage, and whose income when combined with the  
14 income of all other members of the household, does not exceed six thou-  
15 sand five hundred dollars for the taxable period, or such other sum not  
16 less than sixty-five hundred dollars nor more than twenty-five thousand  
17 dollars beginning July first, two thousand five, twenty-six thousand  
18 dollars beginning July first, two thousand six, twenty-seven thousand  
19 dollars beginning July first, two thousand seven, twenty-eight thousand  
20 dollars beginning July first, two thousand eight, twenty-nine thousand  
21 dollars beginning July first, two thousand nine, and fifty thousand  
22 dollars beginning July first, two thousand fourteen, as may be provided  
23 by local law; or (2) a person with a disability as defined in this  
24 subdivision.

25 S 6. Subparagraph 1 of paragraph a of subdivision 3 of section 467-c  
26 of the real property tax law, as amended by chapter 747 of the laws of  
27 1985, is amended to read as follows:

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

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

50 S 8. This act shall take effect July 1, 2016; provided however, that  
51 a. the amendments to section 467-b of the real property tax law, made  
52 by sections one, two, three and four of this act shall be subject to the  
53 expiration and reversion of such section pursuant to section 17 of chap-  
54 ter 576 of the laws of 1974, and shall expire and be deemed repealed  
55 therewith;

1     b. the amendments to paragraph a of subdivision 3 of section 467-b of  
2 the real property tax law, made by section four of this act shall be  
3 subject to the expiration of such paragraph pursuant to section 4 of  
4 part U of chapter 55 of the laws of 2014, as amended, and shall be  
5 deemed to expire therewith; and  
6     c. the amendments to subparagraph 1 of paragraph d of subdivision 1 of  
7 section 467-c of the real property tax law, made by section five of this  
8 act shall not affect the expiration of such subparagraph pursuant to  
9 section 4 of part U of chapter 55 of the laws of 2014, as amended, and  
10 shall expire and be deemed repealed therewith.