

7938--A

2015-2016 Regular Sessions

I N A S S E M B L Y

June 1, 2015

Introduced by M. of A. GJONAJ, PICHARDO, CRESPO, SIMOTAS, BLAKE, DINOW-ITZ, SEPULVEDA, RODRIGUEZ, KEARNS, RYAN, WEPRIN, DenDEKKER, KAMINSKY, DAVILA, BENEDETTO, ARROYO, SIMANOWITZ, TITONE, JOYNER, THIELE, MILLER, GOLDFEDER, BRENNAN, DILAN, TITUS, STECK, SEAWRIGHT, HIKIND, COOK, PRETLOW, SKARTADOS, BRINDISI, PERRY, LENTOL, ORTIZ, ABBATE, MOSLEY, FAHY, SOLAGES, HEVESI, SIMON, BARRON, SKOUFIS, RAMOS, CUSICK, LINARES, STIRPE, ROBINSON, NOLAN, RICHARDSON, LUPARDO, LAVINE, WOERNER, McDONALD, RIVERA, KIM, ROZIC, MOYA, BICHOTTE, HARRIS, ENGLEBRIGHT, ZEBROWSKI, JEAN-PIERRE, HUNTER -- read once and referred to the Committee on Aging -- recommitted to the Committee on Aging in accordance with Assembly Rule 3, sec. 2 -- 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-

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

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1 MUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED  
2 INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD, and is entitled to the  
3 possession or to the use or occupancy of a dwelling unit;

4 S 3. Subdivision 2 of section 467-b of the real property tax law, as  
5 amended by chapter 747 of the laws of 1985, paragraph (c) as added by  
6 chapter 553 of the laws of 2015, is amended to read as follows:

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

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

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

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

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

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

1 retires before the commencement of such income tax year and the date of  
2 filing the application, the income for such year may be adjusted by  
3 excluding salary or earnings and projecting his or her retirement income  
4 over the entire period of such year.

5 S 5. Paragraph a of subdivision 3 of section 467-b of the real proper-  
6 ty tax law, as separately amended by section 1 of chapter 188 and chap-  
7 ter 205 of the laws of 2005, is amended to read as follows:

8 a. for a dwelling unit where the head of the household is a person  
9 sixty-two years of age or older OR WHERE THE HEAD OF THE HOUSEHOLD PAYS  
10 A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE  
11 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, no tax abatement shall  
12 be granted if the combined income of all members of the household for  
13 the income tax year immediately preceding the date of making application  
14 exceeds four thousand dollars, or such other sum not more than twenty-  
15 five thousand dollars beginning July first, two thousand five, twenty-  
16 six thousand dollars beginning July first, two thousand six, twenty-sev-  
17 en thousand dollars beginning July first, two thousand seven,  
18 twenty-eight thousand dollars beginning July first, two thousand eight,  
19 and twenty-nine thousand dollars beginning July first, two thousand  
20 nine, as may be provided by the local law, ordinance or resolution  
21 adopted pursuant to this section, provided that when the head of the  
22 household retires before the commencement of such income tax year and  
23 the date of filing the application, the income for such year may be  
24 adjusted by excluding salary or earnings and projecting his or her  
25 retirement income over the entire period of such year.

26 S 6. Paragraph d of subdivision 1 of section 467-c of the real proper-  
27 ty tax law, as separately amended by chapters 188 and 205 of the laws of  
28 2005, and subparagraph 1 as amended by section 2 of part U of chapter 55  
29 of the laws of 2014, is amended to read as follows:

30 d. "Eligible head of the household" means (1) a person or his or her  
31 spouse who is sixty-two years of age or older, OR A PERSON WHO PAYS A  
32 MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL  
33 MEMBERS OF THE HOUSEHOLD, and is entitled to the possession or to the  
34 use and occupancy of a dwelling unit, provided, however, with respect to  
35 a dwelling which was subject to a mortgage insured or initially insured  
36 by the federal government pursuant to section two hundred thirteen of  
37 the National Housing Act, as amended "eligible head of the household"  
38 shall be limited to that person or his or her spouse who was entitled to  
39 possession or the use and occupancy of such dwelling unit at the time of  
40 termination of such mortgage, and whose income when combined with the  
41 income of all other members of the household, does not exceed six thou-  
42 sand five hundred dollars for the taxable period, or such other sum not  
43 less than sixty-five hundred dollars nor more than twenty-five thousand  
44 dollars beginning July first, two thousand five, twenty-six thousand  
45 dollars beginning July first, two thousand six, twenty-seven thousand  
46 dollars beginning July first, two thousand seven, twenty-eight thousand  
47 dollars beginning July first, two thousand eight, twenty-nine thousand  
48 dollars beginning July first, two thousand nine, and fifty thousand  
49 dollars beginning July first, two thousand fourteen, as may be provided  
50 by local law; or (2) a person with a disability as defined in this  
51 subdivision.

52 S 7. Subparagraph 1 of paragraph d of subdivision 1 of section 467-c  
53 of the real property tax law, as separately amended by chapters 188 and  
54 205 of the laws of 2005, is amended to read as follows:

55 (1) a person or his or her spouse who is sixty-two years of age or  
56 older, OR A PERSON WHO PAYS A MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE

1 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, and is entitled to the  
2 possession or to the use and occupancy of a dwelling unit, provided,  
3 however, with respect to a dwelling which was subject to a mortgage  
4 insured or initially insured by the federal government pursuant to  
5 section two hundred thirteen of the National Housing Act, as amended  
6 "eligible head of the household" shall be limited to that person or his  
7 or her spouse who was entitled to possession or the use and occupancy of  
8 such dwelling unit at the time of termination of such mortgage, and  
9 whose income when combined with the income of all other members of the  
10 household, does not exceed six thousand five hundred dollars for the  
11 taxable period, or such other sum not less than sixty-five hundred  
12 dollars nor more than twenty-five thousand dollars beginning July first,  
13 two thousand five, twenty-six thousand dollars beginning July first, two  
14 thousand six, twenty-seven thousand dollars beginning July first, two  
15 thousand seven, twenty-eight thousand dollars beginning July first, two  
16 thousand eight, and twenty-nine thousand dollars beginning July first,  
17 two thousand nine, as may be provided by local law; or

18 S 8. Subparagraph (1) of paragraph a of subdivision 3 of section 467-c  
19 of the real property tax law, as amended by chapter 747 of the laws of  
20 1985, is amended to read as follows:

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

36 S 9. The state comptroller shall annually pay to each city providing  
37 real property tax abatements pursuant to sections 467-b and 467-c of the  
38 real property tax law an amount equal to 10 per centum of the real prop-  
39 erty tax revenue lost during the city fiscal year due to the implementa-  
40 tion of the provisions of this act. Each city eligible for state  
41 payments pursuant to this section shall provide the state comptroller  
42 with such information as he or she shall deem necessary.

43 S 10. This act shall take effect July 1, 2016; provided however, that  
44 a. the amendments to section 467-b of the real property tax law, made  
45 by sections one, two, three and five of this act shall be subject to the  
46 expiration and reversion of such section pursuant to section 17 of chap-  
47 ter 576 of the laws of 1974, and shall expire and be deemed repealed  
48 therewith;

49 b. the amendments to paragraph a of subdivision 3 of section 467-b of  
50 the real property tax law, made by section four of this act shall be  
51 subject to the expiration of such paragraph pursuant to section 4 of  
52 part U of chapter 55 of the laws of 2014, as amended, and shall be  
53 deemed to expire therewith, when upon such date section five of this act  
54 shall take effect; and

55 c. the amendments to subparagraph (1) of paragraph d of subdivision 1  
56 of section 467-c of the real property tax law, made by section six of

1 this act shall not affect the expiration of such subparagraph pursuant  
2 to section 4 of part U of chapter 55 of the laws of 2014, as amended,  
3 and shall expire and be deemed repealed therewith, when upon such date  
4 section seven of this act shall take effect.