

814

2015-2016 Regular Sessions

I N A S S E M B L Y

January 7, 2015

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

AN ACT to amend the real property tax law, in relation to redetermination based on income for a tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities

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

1 Section 1. Paragraph g of subdivision 3 of section 467-b of the real
2 property tax law, as amended by chapter 188 of the laws of 2005, is
3 amended to read as follows:
4 g. notwithstanding any other provision of law to the contrary, where a
5 head of the household holds a current, valid tax abatement certificate
6 and[, after the effective date of this paragraph,] there is a permanent
7 INCREASE OR decrease in the combined income of all members of the house-
8 hold in an amount which exceeds twenty percent of such income as repres-
9 ented in such head of the household's last approved application for a
10 tax abatement certificate or for renewal thereof, such head of the
11 household may apply for a redetermination of the amount set forth there-
12 in. SUCH DETERMINATION MAY ALSO BE UNDERTAKEN BY THE CITY RENT AGENCY.
13 Upon [application] REDETERMINATION, such amount shall be redetermined so
14 as to re-establish the ratio of adjusted rent to income which existed at
15 the time of approval of such head of the household's last application
16 for a tax abatement certificate or for renewal thereof; provided, howev-
17 er, that in no event shall the amount of the adjusted rent be redeter-
18 mined to be (i) in the case of a head of the household who does not
19 receive a monthly allowance for shelter pursuant to the social services
20 law, less than one-third of the combined income of all members of the
21 household; or (ii) in the case of a head of the household who receives a
22 monthly allowance for shelter pursuant to the social services law, less
23 than the maximum allowance for shelter which such head of the household

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

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1 is entitled to receive pursuant to such law. For purposes of this para-
2 graph, a decrease in the combined income of all members of the household
3 shall not include any decrease in such income resulting from the manner
4 in which income is calculated pursuant to any amendment to paragraph c
5 of subdivision one of this section made on or after April first, nine-
6 teen hundred eighty-seven. For purposes of this paragraph, "adjusted
7 rent" shall mean maximum rent or legal regulated rent less the amount
8 set forth in a tax abatement certificate.

9 S 2. This act shall take effect immediately, provided that the amend-
10 ments to paragraph g of subdivision 3 of section 467-b of the real prop-
11 erty tax law, made by section one of this act, shall not affect the
12 expiration of such section and shall be deemed to expire therewith.