

STATE OF NEW YORK

6961

2017-2018 Regular Sessions

IN SENATE

November 29, 2017

Introduced by Sen. ALCANTARA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the real property tax law, in relation to renewal notices for applications under the SCRIE program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 467-b of the real property tax
2 law, as amended by chapter 442 of the laws of 2016, is amended to read
3 as follows:

4 4. a. (1) The head of the household must apply every two years to the
5 appropriate rent control agency or administrative agency for a tax
6 abatement certificate on a form prescribed by said agency.

7 (2) Upon the adoption of a local law, ordinance, or resolution by the
8 governing board of a municipality, any head of household that has been
9 issued a tax abatement certificate pursuant to this section for five
10 consecutive benefit periods, and whose income and residence have not
11 changed since their last renewal application, shall be eligible to file
12 a short form renewal. Such statement shall be on a form prescribed by
13 the appropriate rent control agency or administrative agency and shall
14 include the following: (i) a sworn statement certifying that such head
15 of household continues to be eligible to receive such certificate and
16 that their income and residence have not changed; and (ii) a certifi-
17 cation to be signed by the applicant stating that all information
18 contained in their statement is true and correct to the best of the
19 applicant's knowledge and belief and stating that they understand that
20 the willful making of any false statement of material fact therein shall
21 subject them to the provisions of law relevant to the making and filing
22 of false instruments and loss of their benefit, and that subsequent
23 reapplication shall be as a new applicant.

24 (b) A tax abatement certificate setting forth an amount not in excess
25 of the increase in maximum rent or legal regulated rent for the taxable

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

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1 period or such other amount as shall be determined under subdivision
2 three of this section shall be issued by said agency to each head of the
3 household who is found to be eligible under this section on or before
4 the last date prescribed by law for the payment of the taxes or the
5 first installment thereof of any municipal corporation which has granted
6 an abatement of taxes. Copies of such certificate shall be issued to the
7 owner of the real property containing the dwelling unit of the head of
8 the household and to the collecting officer charged with the duty of
9 collecting the taxes of each municipal corporation which has granted the
10 abatement of taxes authorized by this section. The appropriate rent
11 control agency or administrative agency shall send a notice of required
12 renewal to each head of household currently receiving an exemption under
13 this section via United States Postal Service to their primary residence
14 no less than thirty days prior to the application renewal date.

15 § 2. Subdivision 4 of section 467-b of the real property tax law, as
16 added by chapter 689 of the laws of 1972, is amended to read as follows:

17 4. The head of the household must apply each year to the appropriate
18 rent control agency for a tax abatement certificate on a form prescribed
19 by said agency. A tax abatement certificate setting forth an amount not
20 in excess of the increase in maximum rent for the taxable period shall
21 be issued by said agency to each head of the household who is found to
22 be eligible under this section on or before the last date prescribed by
23 law for the payment of the taxes or the first installment thereof of any
24 city, town or village which has granted an abatement of taxes. Copies of
25 such certificate shall be issued to the owner of the real property
26 containing the dwelling unit of the head of the household and to the
27 collecting officer charged with the duty of collecting the taxes of each
28 city, town or village which has granted the abatement of taxes author-
29 ized by this section. The appropriate rent control agency or adminis-
30 trative agency shall send a notice of required renewal to each head of
31 household currently receiving an exemption under this section via United
32 States Postal Service to their primary residence no less than thirty
33 days prior to the application renewal date.

34 § 3. Subdivision 4 of section 467-c of the real property tax law, as
35 amended by chapter 442 of the laws of 2016, is amended to read as
36 follows:

37 4. a. (1) Any such local law or ordinance may provide that the eligi-
38 ble head of the household shall apply annually to the supervising agency
39 for a rent increase exemption order/tax abatement certificate on a form
40 to be prescribed and made available by the supervising agency.

41 (2) Upon the adoption of a local law, ordinance, or resolution by the
42 governing board of a municipality, any head of household that has been
43 issued a tax abatement certificate pursuant to this section for five
44 consecutive benefit periods, and whose income and residence have not
45 changed since their last renewal application, shall be eligible to file
46 a short form renewal. Such statement shall be on a form prescribed by
47 the appropriate rent control agency or administrative agency and shall
48 include the following: (i) a sworn statement certifying that such head
49 of household continues to be eligible to receive such certificate and
50 that their income and residence have not changed; and (ii) a certifi-
51 cation to be signed by the applicant stating that all information
52 contained in their statement is true and correct to the best of the
53 applicant's knowledge and belief and stating that they understand that
54 the willful making of any false statement of material fact therein shall
55 subject them to the provisions of law relevant to the making and filing

1 of false instruments and loss of their benefit, and that subsequent
2 reapplication shall be as a new applicant.

3 (b) The supervising agency shall approve or disapprove applications
4 and, if it approves, shall issue a rent increase exemption order/tax
5 abatement certificate. Copies of such order/certificate shall be issued
6 to the housing company managing the dwelling unit of the eligible head
7 of the household, to the eligible head of the household and to the
8 collecting officer charged with the duty of collecting the taxes of the
9 municipality. The appropriate supervising agency shall send a notice of
10 required renewal to each head of household currently receiving an
11 exemption under this section via United States Postal Service to their
12 primary residence no less than thirty days prior to the application
13 renewal date.

14 § 4. This act shall take effect on the ninetieth day after it shall
15 have become a law; provided that the amendments to section 467-b of the
16 real property tax law made by section one of this act shall be subject
17 to the expiration and reversion of such section pursuant to section 17
18 of chapter 576 of the laws of 1974, as amended, when upon such date the
19 provisions of section two of this act shall take effect.