

# STATE OF NEW YORK

4214

2017-2018 Regular Sessions

## IN ASSEMBLY

February 1, 2017

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 553 of the laws of 2015, 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 unless such head of the household has been granted a rent  
22 increase exemption order that is in effect as of January first, two  
23 thousand fifteen or takes effect on or before July first, two thousand

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

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1 fifteen; or (ii) in the case of a head of the household who receives a  
2 monthly allowance for shelter pursuant to the social services law, less  
3 than the maximum allowance for shelter which such head of the household  
4 is entitled to receive pursuant to such law. For purposes of this para-  
5 graph, a decrease in the combined income of all members of the household  
6 shall not include any decrease in such income resulting from the manner  
7 in which income is calculated pursuant to any amendment to paragraph c  
8 of subdivision one of this section made on or after April first, nine-  
9 teen hundred eighty-seven. For purposes of this paragraph, "adjusted  
10 rent" shall mean maximum rent or legal regulated rent less the amount  
11 set forth in a tax abatement certificate.

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