

STATE OF NEW YORK

6669

2017-2018 Regular Sessions

IN ASSEMBLY

March 15, 2017

Introduced by M. of A. GJONAJ, PICHARDO, CRESPO, SIMOTAS, BLAKE, DINOW-ITZ, SEPULVEDA, RODRIGUEZ, KEARNS, RYAN, WEPRIN, DenDEKKER, DAVILA, BENEDETTO, ARROYO, SIMANOWITZ, TITONE, STECK, SEAWRIGHT, JOYNER, THIELE, M. G. MILLER, DILAN, TITUS, HIKIND, COOK, PRETLOW, SKARTADOS, BRINDISI, PERRY, LENTOL, ORTIZ, BICHOTTE, HARRIS, ENGLEBRIGHT, ABBATE, STIRPE, NOLAN, RICHARDSON, LUPARDO, MOSLEY, LAVINE, WOERNER, McDONALD, RIVERA, KIM, ROZIC, MOYA, ZEBROWSKI, JEAN-PIERRE, HUNTER -- read once and referred to the Committee on Aging

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 § 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;

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

LBD10493-01-7

1 § 3. Subdivision 2 of section 467-b of the real property tax law, as
2 amended by chapter 747 of the laws of 1985, paragraph (c) as added by
3 chapter 553 of the laws of 2015 and paragraph (d) as added by chapter
4 343 of the laws of 2016, is amended to read as follows:

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

16 (b) where the head of the household qualifies as a person paying a
17 maximum rent or legal regulated rent which exceeds one-half of the
18 combined income of all members of the household and does not receive a
19 monthly allowance for shelter pursuant to the social services law, an
20 amount not in excess of that portion of any increase in maximum rent or
21 legal regulated rent which causes such maximum rent or legal regulated
22 rent to exceed one-half of the combined income of all members of the
23 household; or

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

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

37 (d)(1) Provided, however, that in a city with a population of one
38 million or more, a head of the household who has received a rent
39 increase exemption order that has expired and who, upon renewal applica-
40 tion for the period commencing immediately after such expiration, is
41 determined to be ineligible for a rent increase exemption order because
42 the combined income of all members of the household exceeds the maximum
43 amount allowed by this section or the maximum rent or legal regulated
44 rent does not exceed one-third of the combined income of all members of
45 the household, may submit a new application during the following calen-
46 dar year, and if such head of the household receives a rent increase
47 exemption order that commences during such calendar year, the tax abate-
48 ment amount for such order shall be calculated as if such prior rent
49 increase exemption order had not expired. However, no tax abatement
50 benefits may be provided for the period of ineligibility.

51 (2) No head of the household may receive more than three rent increase
52 exemption orders calculated as if a prior rent increase exemption order
53 had not expired, as described in subparagraph one of this paragraph.

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

1 a. for a dwelling unit where the head of the household is a person
2 sixty-two years of age or older or where the head of the household pays
3 a maximum rent or legal regulated rent which exceeds one-half of the
4 combined income of all members of the household, no tax abatement shall
5 be granted if the combined income of all members of the household for
6 the income tax year immediately preceding the date of making application
7 exceeds four thousand dollars, or such other sum not more than twenty-
8 five thousand dollars beginning July first, two thousand five, twenty-
9 six thousand dollars beginning July first, two thousand six, twenty-sev-
10 en thousand dollars beginning July first, two thousand seven,
11 twenty-eight thousand dollars beginning July first, two thousand eight,
12 twenty-nine thousand dollars beginning July first, two thousand nine,
13 and fifty thousand dollars beginning July first, two thousand fourteen,
14 as may be provided by the local law, ordinance or resolution adopted
15 pursuant to this section, provided that when the head of the household
16 retires before the commencement of such income tax year and the date of
17 filing the application, the income for such year may be adjusted by
18 excluding salary or earnings and projecting his or her retirement income
19 over the entire period of such year.

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

23 a. for a dwelling unit where the head of the household is a person
24 sixty-two years of age or older or where the head of the household pays
25 a maximum rent or legal regulated rent which exceeds one-half of the
26 combined income of all members of the household, no tax abatement shall
27 be granted if the combined income of all members of the household for
28 the income tax year immediately preceding the date of making application
29 exceeds four thousand dollars, or such other sum not more than twenty-
30 five thousand dollars beginning July first, two thousand five, twenty-
31 six thousand dollars beginning July first, two thousand six, twenty-sev-
32 en thousand dollars beginning July first, two thousand seven,
33 twenty-eight thousand dollars beginning July first, two thousand eight,
34 and twenty-nine thousand dollars beginning July first, two thousand
35 nine, as may be provided by the local law, ordinance or resolution
36 adopted pursuant to this section, provided that when the head of the
37 household retires before the commencement of such income tax year and
38 the date of filing the application, the income for such year may be
39 adjusted by excluding salary or earnings and projecting his or her
40 retirement income over the entire period of such year.

41 § 6. Paragraph d of subdivision 1 of section 467-c of the real proper-
42 ty tax law, as separately amended by chapters 188 and 205 of the laws of
43 2005, and subparagraph 1 as amended by section 2 of part U of chapter 55
44 of the laws of 2014, is amended to read as follows:

45 d. "Eligible head of the household" means (1) a person or his or her
46 spouse who is sixty-two years of age or older, or a person who pays a
47 maximum rent which exceeds one-half of the combined income of all
48 members of the household, and is entitled to the possession or to the
49 use and occupancy of a dwelling unit, provided, however, with respect to
50 a dwelling which was subject to a mortgage insured or initially insured
51 by the federal government pursuant to section two hundred thirteen of
52 the National Housing Act, as amended "eligible head of the household"
53 shall be limited to that person or his or her spouse who was entitled to
54 possession or the use and occupancy of such dwelling unit at the time of
55 termination of such mortgage, and whose income when combined with the
56 income of all other members of the household, does not exceed six thou-

1 sand five hundred dollars for the taxable period, or such other sum not
2 less than sixty-five hundred dollars nor more than twenty-five thousand
3 dollars beginning July first, two thousand five, twenty-six thousand
4 dollars beginning July first, two thousand six, twenty-seven thousand
5 dollars beginning July first, two thousand seven, twenty-eight thousand
6 dollars beginning July first, two thousand eight, twenty-nine thousand
7 dollars beginning July first, two thousand nine, and fifty thousand
8 dollars beginning July first, two thousand fourteen, as may be provided
9 by local law; or (2) a person with a disability as defined in this
10 subdivision.

11 § 7. Subparagraph 1 of paragraph d of subdivision 1 of section 467-c
12 of the real property tax law, as separately amended by chapters 188 and
13 205 of the laws of 2005, is amended to read as follows:

14 (1) a person or his or her spouse who is sixty-two years of age or
15 older, or a person who pays a maximum rent which exceeds one-half of the
16 combined income of all members of the household, and is entitled to the
17 possession or to the use and occupancy of a dwelling unit, provided,
18 however, with respect to a dwelling which was subject to a mortgage
19 insured or initially insured by the federal government pursuant to
20 section two hundred thirteen of the National Housing Act, as amended
21 "eligible head of the household" shall be limited to that person or his
22 or her spouse who was entitled to possession or the use and occupancy of
23 such dwelling unit at the time of termination of such mortgage, and
24 whose income when combined with the income of all other members of the
25 household, does not exceed six thousand five hundred dollars for the
26 taxable period, or such other sum not less than sixty-five hundred
27 dollars nor more than twenty-five thousand dollars beginning July first,
28 two thousand five, twenty-six thousand dollars beginning July first, two
29 thousand six, twenty-seven thousand dollars beginning July first, two
30 thousand seven, twenty-eight thousand dollars beginning July first, two
31 thousand eight, and twenty-nine thousand dollars beginning July first,
32 two thousand nine, as may be provided by local law; or

33 § 8. Subparagraph 1 of paragraph a of subdivision 3 of section 467-c
34 of the real property tax law, as amended by chapter 747 of the laws of
35 1985, is amended to read as follows:

36 (1) where the eligible head of the household who is either sixty-two
37 years of age or older or is disabled does not receive a monthly allow-
38 ance for shelter pursuant to the social services law, the amount by
39 which increases in the maximum rent subsequent to such person's eligi-
40 bility date have resulted in the maximum rent exceeding one-third of the
41 combined income of all members of the household for the taxable period,
42 or where the eligible head of the household is a person who pays a maxi-
43 imum rent which exceeds one-half of the combined income of all members of
44 the household does not receive a monthly allowance for shelter pursuant
45 to the social services law, the amount by which increases in the maximum
46 rent subsequent to such person's date have resulted in the maximum rent
47 exceeding one-half of the combined income of all members of the house-
48 hold for the taxable period, except that in no event shall a rent
49 increase exemption order/tax abatement certificate become effective
50 prior to January first, nineteen hundred seventy-six; or

51 § 9. The state comptroller shall annually pay to each city providing
52 real property tax abatements pursuant to sections 467-b and 467-c of the
53 real property tax law an amount equal to 10 per centum of the real prop-
54 erty tax revenue lost during the city fiscal year due to the implementa-
55 tion of the provisions of this act. Each city eligible for state

1 payments pursuant to this section shall provide the state comptroller
2 with such information as he or she shall deem necessary.

3 § 10. This act shall take effect July 1, 2017; provided however, that:

4 a. the amendments to section 467-b of the real property tax law, made
5 by sections one, two, three and five of this act shall be subject to the
6 expiration and reversion of such section pursuant to section 17 of chap-
7 ter 576 of the laws of 1974, and shall expire and be deemed repealed
8 therewith;

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

15 c. the amendments to subparagraph (1) of paragraph d of subdivision 1
16 of section 467-c of the real property tax law, made by section six of
17 this act shall not affect the expiration of such subparagraph pursuant
18 to section 4 of part U of chapter 55 of the laws of 2014, as amended,
19 and shall expire and be deemed repealed therewith, when upon such date
20 section seven of this act shall take effect.