

STATE OF NEW YORK

9757

IN ASSEMBLY

February 5, 2018

Introduced by M. of A. D. ROSENTHAL -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the private housing finance law, the real property tax law and the administrative code of the city of New York, in relation to limited-profit housing companies and tax exemptions

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

1 Section 1. Section 33 of the private housing finance law is amended by
2 adding a new subdivision 7 to read as follows:

3 7. Nothing contained in this section shall be construed to limit or
4 otherwise impair the benefits available to any company or resident
5 eligible for exemption from taxation pursuant to sections four hundred
6 twenty-five, four hundred fifty-eight, four hundred fifty-nine and four
7 hundred sixty-seven of the real property tax law.

8 § 2. Paragraph (c) of subdivision 6 of section 458-a of the real prop-
9 erty tax law, as added by chapter 171 of the laws of 1997, is amended to
10 read as follows:

11 (c) [~~Notwithstanding paragraph (b) of this subdivision, a~~] A tenant-
12 stockholder who resides in a dwelling that is subject to the provisions
13 of either article two, four, five or eleven of the private housing
14 finance law shall [~~not~~] be eligible for an exemption pursuant to this
15 section.

16 § 3. Paragraph (c) of subdivision 3-a of section 467 of the real prop-
17 erty tax law, as amended by chapter 49 of the laws of 1996, is amended
18 to read as follows:

19 (c) Real property may be exempt from taxation pursuant to this subdi-
20 vision by a municipality in which such property is located only if the
21 governing board of such municipality, after public hearing, adopts a
22 local law, ordinance or resolution providing therefor. [~~Notwithstanding~~
23 ~~any provision of law to the contrary, any~~] Any local law, ordinance or
24 resolution adopted pursuant to this paragraph may provide, or be amended
25 to provide, that a tenant-stockholder who resides in a dwelling which is
26 subject to the provisions of either article two, four, five or eleven of
27 the private housing finance law and who is eligible for a rent increase

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

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1 exemption pursuant to section four hundred sixty-seven-c of this title
2 shall ~~[not]~~ be eligible for an exemption pursuant to this subdivision
3 and that a tenant-stockholder who resides in a dwelling which is subject
4 to the provisions of either article two, four, five or eleven of the
5 private housing finance law and who is not eligible for a rent increase
6 exemption pursuant to section four hundred sixty-seven-c of this title
7 but who meets the requirements for eligibility for an exemption pursuant
8 to this section shall be eligible for such exemption provided that such
9 exemption shall be in an amount determined by multiplying the exemption
10 otherwise allowable pursuant to this section by a fraction having a
11 numerator equal to the amount of real property taxes or payments in lieu
12 of taxes that were paid with respect to such dwelling and a denominator
13 equal to the full amount of real property taxes that would have been
14 owed with respect to such dwelling had it not been granted an exemption
15 or abatement of real property taxes pursuant to any provision of law,
16 provided, however, that any reduction in real property taxes received
17 with respect to such dwelling pursuant to this section or section four
18 hundred sixty-seven-c of this title shall not be considered in calculat-
19 ing such numerator. Any such local law, ordinance or resolution that so
20 provides, or is amended to so provide, shall also provide that a
21 tenant-stockholder who resides in a dwelling which was or continues to
22 be subject to a mortgage insured or initially insured by the federal
23 government pursuant to section two hundred thirteen of the National
24 Housing Act, as amended, and who is eligible for both a rent increase
25 exemption pursuant to section four hundred sixty-seven-c of this title
26 and an exemption pursuant to this subdivision, may apply for and receive
27 either a rent increase exemption pursuant to section four hundred
28 sixty-seven-c of this title or an exemption pursuant to this subdivi-
29 sion, but not both.

30 § 4. Paragraph (b) of subdivision 8 of section 11-245.4 of the admin-
31 istrative code of the city of New York, as added by local law number 13
32 of the city of New York for the year 1998, is amended to read as
33 follows:

34 (b) ~~[Notwithstanding any other provision of law, a]~~ A tenant-stock-
35 holder who resides in a dwelling which is subject to the provisions of
36 either article II, IV, V or XI of the private housing finance law shall
37 ~~[not]~~ be eligible for an exemption pursuant to this subdivision.

38 § 5. This act shall take effect immediately.