

# STATE OF NEW YORK

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6961

2017-2018 Regular Sessions

## IN SENATE

November 29, 2017

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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.

LBD03557-03-7

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.