# STATE OF NEW YORK

7076

# IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to local laws, ordinances or resolutions providing for the abatement of taxes in a city with a population of one million or more persons

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

Section 1. Paragraph a of subdivision 1 of section 467-b of the real property tax law, as amended by chapter 576 of the laws of 1974, is amended to read as follows:

a. "Dwelling unit" means that part of a dwelling in which a head of the household resides and which is subject to either the emergency housing rent control law or to the rent and rehabilitation law of the city of New York enacted pursuant to the local emergency housing rent control law, or to the emergency tenant protection act of nineteen seventy-four or is a dwelling unit contained in real property described in subdivision eleven of this section;

§ 2. Paragraph a of subdivision 1 of section 467-b of the real property tax law, as amended by chapter 689 of the laws of 1972, is amended to read as follows:

a. "Dwelling unit" means that part of a dwelling in which a head of the household resides and which is subject to either emergency housing rent control law or to rent and rehabilitation law of the city of New York enacted pursuant to the local law enacted pursuant to the local emergency housing rent control law or is a dwelling unit contained in real property described in subdivision eleven of this section;

§ 3. Section 467-b of the real property tax law is amended by adding a new subdivision 11 to read as follows:

11. In a city with a population of one million or more, any such local law, ordinance or resolution may provide for the abatement of taxes of such city imposed on:

(a) real property originally organized pursuant to article two of the private housing finance law containing dwelling units in which the qual-

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

LBD11633-01-7

ifying head of household or their qualifying successor in interest: (i) has a signed agreement with the landlord to limit increases in maximum rent to an amount based on what is ordered by the rent guidelines board for the lifetime of the tenancy, which amount may be less than, equal to, or greater than the amount so ordered by the rent guidelines board, and (ii) is otherwise eligible for the tax abatement provided in this section, regardless of whether such real property is still subject to the regulations of said article; or

(b) real property containing dwelling units in which the qualifying head of household or their qualifying successor in interest: (i) has a signed agreement with the landlord to limit increases in maximum rent to an amount equal to or less than those ordered by the rent guidelines board for the lifetime of the tenancy, and (ii) is otherwise eligible for the tax abatement provided in this section;

(c) provided, however, that the application for any abatement pursuant to this subdivision shall be subject to the approval of the New York city department of housing preservation and development, in such department's discretion.

§ 4. Paragraph b of subdivision 1 of section 467-c of the real property tax law, as amended by chapter 420 of the laws of 1991, is amended to read as follows:

b. "Dwelling unit" means that part of a dwelling in which an eligible head of the household resides and which is subject to the provisions of either Article II, IV, V, or XI of the private housing finance law; or that part of a dwelling which was or continues to be subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended, in which an eligible head of the household resides or is a unit in a housing development described in subdivision thirteen of this section.

§ 5. Section 467-c of the real property tax law is amended by adding a new subdivision 13 to read as follows:

13. In a city with a population of one million or more, any such local law, ordinance or resolution may provide for the abatement of taxes of such city imposed on:

(a) real property originally organized pursuant to article two of the private housing finance law containing dwelling units in which the qualifying head of household or their qualifying successor in interest: (i) has a signed agreement with the landlord to limit increases in maximum rent to an amount based on what is ordered by the rent guidelines board for the lifetime of the tenancy, which amount may be less than, equal to, or greater than the amount so ordered by the rent guidelines board, and (ii) is otherwise eligible for the tax abatement provided in this section, regardless of whether such real property is still subject to the regulations of said article; or

(b) real property containing dwelling units in which the qualifying head of household or their qualifying successor in interest: (i) has a signed agreement with the landlord to limit increases in maximum rent to an amount equal to or less then those ordered by the rent guidelines board for the lifetime of the tenancy, and (ii) is otherwise eligible for the tax abatement provided in this section;

(c) provided, however, that the application for any abatement pursuant to this subdivision shall be subject to the approval of the New York city department of housing preservation and development, in such department's discretion.

§ 6. This act shall take effect immediately; provided, however, that:

(a) the amendments to paragraph a of subdivision 1 of section 467-b of the real property tax law made by section one of this act shall be subject to the expiration and reversion of such section pursuant to section 17 of chapter 576 of the laws of 1974, as amended, when upon such date the provisions of section two of this act shall take effect; and

(b) the amendments to section 467-b of the real property tax law made by section three of this act shall survive the expiration and reversion of such section as provided in section 17 of chapter 576 of the laws of 1974, as amended.