

STATE OF NEW YORK

3148--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. DINOWITZ, BENEDETTO, GOTTFRIED, L. ROSENTHAL, ABBATE, COOK, CRESPO, PERRY, WRIGHT, RIVERA, WEPRIN, COLTON, SEAWRIGHT, BARRON, TAYLOR -- Multi-Sponsored by -- M. of A. DenDEKKER, EPSTEIN, GLICK, HEVESI, McDONOUGH, M. G. MILLER -- read once and referred to the Committee on Aging -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 360 of the laws of 2018, 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. Such form
7 shall be made available to any organization, entity, or agency partner-
8 ing with the supervising agency pursuant to subdivision three-a of this
9 section. Any completed application received pursuant to paragraph d of
10 subdivision three-a of this section shall be treated as if it had been
11 received directly from the applicant or participant.

12 (2) Upon the adoption of a local law, ordinance, or resolution by the
13 governing board of a municipality, any head of household that has been
14 issued a tax abatement certificate pursuant to this section for five
15 consecutive benefit periods, and whose income and residence have not
16 changed since their last renewal application, shall be eligible to file
17 a short form renewal. Such statement shall be on a form prescribed by
18 the appropriate rent control agency or administrative agency and shall
19 include the following: (i) a sworn statement certifying that such head
20 of household continues to be eligible to receive such certificate and

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

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1 that their income and residence have not changed; and (ii) a certifi-
2 cation to be signed by the applicant stating that all information
3 contained in their statement is true and correct to the best of the
4 applicant's knowledge and belief and stating that they understand that
5 the willful making of any false statement of material fact therein shall
6 subject them to the provisions of law relevant to the making and filing
7 of false instruments and loss of their benefit, and that subsequent
8 reapplication shall be as a new applicant.

9 (b) A tax abatement certificate setting forth an amount not in excess
10 of the increase in maximum rent or legal regulated rent for the taxable
11 period or such other amount as shall be determined under subdivision
12 three of this section shall be issued by said agency to each head of the
13 household who is found to be eligible under this section on or before
14 the last date prescribed by law for the payment of the taxes or the
15 first installment thereof of any municipal corporation which has granted
16 an abatement of taxes. Copies of such certificate shall be issued to the
17 owner of the real property containing the dwelling unit of the head of
18 the household and to the collecting officer charged with the duty of
19 collecting the taxes of each municipal corporation which has granted the
20 abatement of taxes authorized by this section. The appropriate rent
21 control agency or administrative agency shall send a notice of required
22 renewal to each head of household currently receiving an exemption under
23 this section via United States Postal Service to their primary residence
24 no less than thirty days prior to the application renewal date.

25 § 2. Subdivision 4 of section 467-b of the real property tax law, as
26 added by chapter 689 of the laws of 1972, is amended to read as follows:

27 4. The head of the household must apply each year to the appropriate
28 rent control agency for a tax abatement certificate on a form prescribed
29 by said agency. A tax abatement certificate setting forth an amount not
30 in excess of the increase in maximum rent for the taxable period shall
31 be issued by said agency to each head of the household who is found to
32 be eligible under this section on or before the last date prescribed by
33 law for the payment of the taxes or the first installment thereof of any
34 city, town or village which has granted an abatement of taxes. Copies of
35 such certificate shall be issued to the owner of the real property
36 containing the dwelling unit of the head of the household and to the
37 collecting officer charged with the duty of collecting the taxes of each
38 city, town or village which has granted the abatement of taxes author-
39 ized by this section. The appropriate rent control agency or adminis-
40 trative agency shall send a notice of required renewal to each head of
41 household currently receiving an exemption under this section via United
42 States Postal Service to their primary residence no less than thirty
43 days prior to the application renewal date.

44 § 3. Subdivision 4 of section 467-c of the real property tax law, as
45 amended by chapter 442 of the laws of 2016, is amended to read as
46 follows:

47 4. a. (1) Any such local law or ordinance may provide that the eligi-
48 ble head of the household shall apply annually to the supervising agency
49 for a rent increase exemption order/tax abatement certificate on a form
50 to be prescribed and made available by the supervising agency.

51 (2) Upon the adoption of a local law, ordinance, or resolution by the
52 governing board of a municipality, any head of household that has been
53 issued a tax abatement certificate pursuant to this section for five
54 consecutive benefit periods, and whose income and residence have not
55 changed since their last renewal application, shall be eligible to file
56 a short form renewal. Such statement shall be on a form prescribed by

1 the appropriate rent control agency or administrative agency and shall
2 include the following: (i) a sworn statement certifying that such head
3 of household continues to be eligible to receive such certificate and
4 that their income and residence have not changed; and (ii) a certifi-
5 cation to be signed by the applicant stating that all information
6 contained in their statement is true and correct to the best of the
7 applicant's knowledge and belief and stating that they understand that
8 the willful making of any false statement of material fact therein shall
9 subject them to the provisions of law relevant to the making and filing
10 of false instruments and loss of their benefit, and that subsequent
11 reapplication shall be as a new applicant.

12 ~~[(b)]~~ b. The supervising agency shall approve or disapprove applica-
13 tions and, if it approves, shall issue a rent increase exemption
14 order/tax abatement certificate. Copies of such order/certificate shall
15 be issued to the housing company managing the dwelling unit of the
16 eligible head of the household, to the eligible head of the household
17 and to the collecting officer charged with the duty of collecting the
18 taxes of the municipality. The appropriate supervising agency shall send
19 a notice of required renewal to each head of household currently receiv-
20 ing an exemption under this section via United States Postal Service to
21 their primary residence no less than thirty days prior to the applica-
22 tion renewal date.

23 § 4. This act shall take effect on the ninetieth day after it shall
24 have become a law; provided that the amendments to section 467-b of the
25 real property tax law made by section one of this act shall be subject
26 to the expiration and reversion of such section pursuant to section 17
27 of chapter 576 of the laws of 1974, as amended, when upon such date the
28 provisions of section two of this act shall take effect.