

# STATE OF NEW YORK

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2288

2019-2020 Regular Sessions

## IN SENATE

January 23, 2019

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Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

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  
21 that their income and residence have not changed; and (ii) a certifi-  
22 cation to be signed by the applicant stating that all information  
23 contained in their statement is true and correct to the best of the  
24 applicant's knowledge and belief and stating that they understand that  
25 the willful making of any false statement of material fact therein shall

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

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1 subject them to the provisions of law relevant to the making and filing  
2 of false instruments and loss of their benefit, and that subsequent  
3 reapplication shall be as a new applicant.

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

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

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

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

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

46 (2) Upon the adoption of a local law, ordinance, or resolution by the  
47 governing board of a municipality, any head of household that has been  
48 issued a tax abatement certificate pursuant to this section for five  
49 consecutive benefit periods, and whose income and residence have not  
50 changed since their last renewal application, shall be eligible to file  
51 a short form renewal. Such statement shall be on a form prescribed by  
52 the appropriate rent control agency or administrative agency and shall  
53 include the following: (i) a sworn statement certifying that such head  
54 of household continues to be eligible to receive such certificate and  
55 that their income and residence have not changed; and (ii) a certifi-  
56 cation to be signed by the applicant stating that all information

1 contained in their statement is true and correct to the best of the  
2 applicant's knowledge and belief and stating that they understand that  
3 the willful making of any false statement of material fact therein shall  
4 subject them to the provisions of law relevant to the making and filing  
5 of false instruments and loss of their benefit, and that subsequent  
6 reapplication shall be as a new applicant.

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

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