

STATE OF NEW YORK

2288

2019-2020 Regular Sessions

IN SENATE

January 23, 2019

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.

LBD00781-02-9

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.