

STATE OF NEW YORK

2945--B

2019-2020 Regular Sessions

IN SENATE

January 31, 2019

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities

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

1 Section 1. Paragraph g of subdivision 3 of section 467-b of the real
2 property tax law, as amended by chapter 553 of the laws of 2015, is
3 amended to read as follows:

4 g. notwithstanding any other provision of law to the contrary, where a
5 head of the household holds a current, valid tax abatement certificate
6 and, after the effective date of this paragraph, there is a permanent
7 decrease in the combined income of all members of the household in an
8 amount which exceeds twenty percent of such income as represented in
9 such head of the household's last approved application for a tax abate-
10 ment certificate or for renewal thereof, such head of the household may
11 apply for a redetermination of the amount set forth therein. Upon appli-
12 cation, such amount shall be redetermined so as to re-establish the
13 ratio of adjusted rent to income which existed at the time of approval
14 of such head of the household's last application for a tax abatement
15 certificate or for renewal thereof; provided, however, that in no event
16 shall the amount of the adjusted rent be redetermined to be (i) in the
17 case of a head of the household who does not receive a monthly allowance
18 for shelter pursuant to the social services law, less than one-third of
19 the combined income of all members of the household unless such head of
20 the household has been granted a rent increase exemption order that is
21 in effect as of January first, two thousand fifteen or takes effect on

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

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1 or before July first, two thousand fifteen; or (ii) in the case of a
2 head of the household who receives a monthly allowance for shelter
3 pursuant to the social services law, less than the maximum allowance for
4 shelter which such head of the household is entitled to receive pursuant
5 to such law.

6 When a redetermination of the adjusted rent has been made
7 pursuant to this paragraph, such redetermination may, at local option,
8 be made retroactive to the date on which there was a permanent decrease
9 in the combined income of all members of the household; provided, howev-
10 er, that the look-back period for the retroactive benefit pursuant to
11 the redetermination shall be limited to the date upon which the head of
12 household filed for the most recently approved application or renewal.

13 For purposes of this paragraph, a decrease in the combined income of all
14 members of the household shall not include any decrease in such income
15 resulting from the manner in which income is calculated pursuant to any
16 amendment to paragraph c of subdivision one of this section made on or
17 after April first, nineteen hundred eighty-seven. For purposes of this
18 paragraph, "adjusted rent" shall mean maximum rent or legal regulated
19 rent less the amount set forth in a tax abatement certificate.

20 § 2. This act shall take effect immediately; provided, however, that
21 the amendments to section 467-b of the real property tax law made by
22 section one of this act shall not affect the expiration of such section
23 pursuant to section 17 of chapter 576 of the laws of 1974, as amended,
and shall be deemed to expire therewith.