

# STATE OF NEW YORK

7308

2019-2020 Regular Sessions

## IN ASSEMBLY

April 22, 2019

Introduced by M. of A. DILAN -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to tax abatements for dwelling units occupied by certain persons residing in rent-controlled or rent regulated properties; and providing state aid to cities affected by such tax abatements

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

1 Section 1. The section heading of section 467-b of the real property  
2 tax law, as amended by section 1 of chapter 188 of the laws of 2005, is  
3 amended to read as follows:

4 Tax abatement for rent-controlled and rent regulated property occupied  
5 by senior citizens or persons with disabilities or persons paying a  
6 maximum rent or legal regulated rent which exceeds one-half of the  
7 combined income of all members of their household.

8 § 2. Paragraph b of subdivision 1 of section 467-b of the real property  
9 tax law, as amended by section 1 of chapter 188 of the laws of 2005,  
10 is amended to read as follows:

11 b. "Head of the household" means a person (i) who is sixty-two years  
12 of age or older, ~~[or]~~ (ii) who qualifies as a person with a disability  
13 pursuant to subdivision five of this section, or (iii) who pays a maxi-  
14 mum rent or legal regulated rent which exceeds one-half of the combined  
15 income of all members of their household, and is entitled to the  
16 possession or to the use or occupancy of a dwelling unit;

17 § 3. Subdivision 2 of section 467-b of the real property tax law, as  
18 amended by chapter 747 of the laws of 1985, paragraph (c) as added by  
19 chapter 553 of the laws of 2015 and paragraph (d) as added by chapter  
20 343 of the laws of 2016, is amended to read as follows:

21 2. The governing body of any municipal corporation is hereby author-  
22 ized and empowered to adopt, after public hearing, in accordance with  
23 the provisions of this section, a local law, ordinance or resolution

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

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1 providing for the abatement of taxes of said municipal corporation  
2 imposed on real property containing a dwelling unit as defined herein by  
3 one of the following amounts: (a) where the head of the household does  
4 not receive a monthly allowance for shelter pursuant to the social  
5 services law, an amount not in excess of that portion of any increase in  
6 maximum rent or legal regulated rent which causes such maximum rent or  
7 legal regulated rent to exceed one-third of the combined income of all  
8 members of the household; or

9 (b) where the head of the household qualifies as a person paying a  
10 maximum rent or legal regulated rent which exceeds one-half of the  
11 combined income of all members of the household and does not receive a  
12 monthly allowance for shelter pursuant to the social services law, an  
13 amount not in excess of that portion of any increase in maximum rent or  
14 legal regulated rent which causes such maximum rent or legal regulated  
15 rent to exceed one-half of the combined income of all members of the  
16 household; or

17 (c) where the head of the household receives a monthly allowance for  
18 shelter pursuant to the social services law, an amount not in excess of  
19 that portion of any increase in maximum rent or legal regulated rent  
20 which is not covered by the maximum allowance for shelter which such  
21 person is entitled to receive pursuant to the social services law.

22 [~~(e)~~] Provided, however, that in a city of a population of one million  
23 or more, where the head of household has been granted a rent increase  
24 exemption order that is in effect as of January first, two thousand  
25 fifteen or takes effect on or before July first, two thousand fifteen,  
26 the amount determined by paragraph (a) of this subdivision shall be an  
27 amount not in excess of the difference between the maximum rent or legal  
28 regulated rent and the amount specified in such order, as adjusted by  
29 any other provision of this section.

30 (d)(1) Provided, however, that in a city with a population of one  
31 million or more, a head of the household who has received a rent  
32 increase exemption order that has expired and who, upon renewal applica-  
33 tion for the period commencing immediately after such expiration, is  
34 determined to be ineligible for a rent increase exemption order because  
35 the combined income of all members of the household exceeds the maximum  
36 amount allowed by this section or the maximum rent or legal regulated  
37 rent does not exceed one-third of the combined income of all members of  
38 the household, may submit a new application during the following calen-  
39 dar year, and if such head of the household receives a rent increase  
40 exemption order that commences during such calendar year, the tax abate-  
41 ment amount for such order shall be calculated as if such prior rent  
42 increase exemption order had not expired. However, no tax abatement  
43 benefits may be provided for the period of ineligibility.

44 (2) No head of the household may receive more than three rent increase  
45 exemption orders calculated as if a prior rent increase exemption order  
46 had not expired, as described in subparagraph one of this paragraph.

47 § 4. Paragraph a of subdivision 3 of section 467-b of the real proper-  
48 ty tax law, as amended by section 1 of part U of chapter 55 of the laws  
49 of 2014, is amended to read as follows:

50 a. for a dwelling unit where the head of the household is a person  
51 sixty-two years of age or older or where the head of the household pays  
52 a maximum rent or legal regulated rent which exceeds one-half of the  
53 combined income of all members of the household, no tax abatement shall  
54 be granted if the combined income of all members of the household for  
55 the income tax year immediately preceding the date of making application  
56 exceeds four thousand dollars, or such other sum not more than twenty-

1 five thousand dollars beginning July first, two thousand five, twenty-  
2 six thousand dollars beginning July first, two thousand six, twenty-sev-  
3 en thousand dollars beginning July first, two thousand seven,  
4 twenty-eight thousand dollars beginning July first, two thousand eight,  
5 twenty-nine thousand dollars beginning July first, two thousand nine,  
6 and fifty thousand dollars beginning July first, two thousand fourteen,  
7 as may be provided by the local law, ordinance or resolution adopted  
8 pursuant to this section, provided that when the head of the household  
9 retires before the commencement of such income tax year and the date of  
10 filing the application, the income for such year may be adjusted by  
11 excluding salary or earnings and projecting his or her retirement income  
12 over the entire period of such year.

13 § 5. Paragraph a of subdivision 3 of section 467-b of the real proper-  
14 ty tax law, as separately amended by section 1 of chapter 188 and chap-  
15 ter 205 of the laws of 2005, is amended to read as follows:

16 a. for a dwelling unit where the head of the household is a person  
17 sixty-two years of age or older or where the head of the household pays  
18 a maximum rent or legal regulated rent which exceeds one-half of the  
19 combined income of all members of the household, no tax abatement shall  
20 be granted if the combined income of all members of the household for  
21 the income tax year immediately preceding the date of making application  
22 exceeds four thousand dollars, or such other sum not more than twenty-  
23 five thousand dollars beginning July first, two thousand five, twenty-  
24 six thousand dollars beginning July first, two thousand six, twenty-sev-  
25 en thousand dollars beginning July first, two thousand seven,  
26 twenty-eight thousand dollars beginning July first, two thousand eight,  
27 and twenty-nine thousand dollars beginning July first, two thousand  
28 nine, as may be provided by the local law, ordinance or resolution  
29 adopted pursuant to this section, provided that when the head of the  
30 household retires before the commencement of such income tax year and  
31 the date of filing the application, the income for such year may be  
32 adjusted by excluding salary or earnings and projecting his or her  
33 retirement income over the entire period of such year.

34 § 6. Paragraph d of subdivision 1 of section 467-c of the real proper-  
35 ty tax law, as separately amended by chapters 188 and 205 of the laws of  
36 2005, and subparagraph 1 as amended by section 2 of part U of chapter 55  
37 of the laws of 2014, is amended to read as follows:

38 d. "Eligible head of the household" means (1) a person or his or her  
39 spouse who is sixty-two years of age or older, or a person who pays a  
40 maximum rent which exceeds one-half of the combined income of all  
41 members of the household, and is entitled to the possession or to the  
42 use and occupancy of a dwelling unit, provided, however, with respect to  
43 a dwelling which was subject to a mortgage insured or initially insured  
44 by the federal government pursuant to section two hundred thirteen of  
45 the National Housing Act, as amended "eligible head of the household"  
46 shall be limited to that person or his or her spouse who was entitled to  
47 possession or the use and occupancy of such dwelling unit at the time of  
48 termination of such mortgage, and whose income when combined with the  
49 income of all other members of the household, does not exceed six thou-  
50 sand five hundred dollars for the taxable period, or such other sum not  
51 less than sixty-five hundred dollars nor more than twenty-five thousand  
52 dollars beginning July first, two thousand five, twenty-six thousand  
53 dollars beginning July first, two thousand six, twenty-seven thousand  
54 dollars beginning July first, two thousand seven, twenty-eight thousand  
55 dollars beginning July first, two thousand eight, twenty-nine thousand  
56 dollars beginning July first, two thousand nine, and fifty thousand

1 dollars beginning July first, two thousand fourteen, as may be provided  
2 by local law; or (2) a person with a disability as defined in this  
3 subdivision.

4 § 7. Subparagraph 1 of paragraph d of subdivision 1 of section 467-c  
5 of the real property tax law, as separately amended by chapters 188 and  
6 205 of the laws of 2005, is amended to read as follows:

7 (1) a person or his or her spouse who is sixty-two years of age or  
8 older, or a person who pays a maximum rent which exceeds one-half of the  
9 combined income of all members of the household, and is entitled to the  
10 possession or to the use and occupancy of a dwelling unit, provided,  
11 however, with respect to a dwelling which was subject to a mortgage  
12 insured or initially insured by the federal government pursuant to  
13 section two hundred thirteen of the National Housing Act, as amended  
14 "eligible head of the household" shall be limited to that person or his  
15 or her spouse who was entitled to possession or the use and occupancy of  
16 such dwelling unit at the time of termination of such mortgage, and  
17 whose income when combined with the income of all other members of the  
18 household, does not exceed six thousand five hundred dollars for the  
19 taxable period, or such other sum not less than sixty-five hundred  
20 dollars nor more than twenty-five thousand dollars beginning July first,  
21 two thousand five, twenty-six thousand dollars beginning July first, two  
22 thousand six, twenty-seven thousand dollars beginning July first, two  
23 thousand seven, twenty-eight thousand dollars beginning July first, two  
24 thousand eight, and twenty-nine thousand dollars beginning July first,  
25 two thousand nine, as may be provided by local law; or

26 § 8. Subparagraph 1 of paragraph a of subdivision 3 of section 467-c  
27 of the real property tax law, as amended by chapter 747 of the laws of  
28 1985, is amended to read as follows:

29 (1) where the eligible head of the household who is either sixty-two  
30 years of age or older or is disabled does not receive a monthly allow-  
31 ance for shelter pursuant to the social services law, the amount by  
32 which increases in the maximum rent subsequent to such person's eligi-  
33 bility date have resulted in the maximum rent exceeding one-third of the  
34 combined income of all members of the household for the taxable period,  
35 or where the eligible head of the household is a person who pays a maxi-  
36 imum rent which exceeds one-half of the combined income of all members of  
37 the household does not receive a monthly allowance for shelter pursuant  
38 to the social services law, the amount by which increases in the maximum  
39 rent subsequent to such person's date have resulted in the maximum rent  
40 exceeding one-half of the combined income of all members of the house-  
41 hold for the taxable period, except that in no event shall a rent  
42 increase exemption order/tax abatement certificate become effective  
43 prior to January first, nineteen hundred seventy-six; or

44 § 9. The state comptroller shall annually pay to each city providing  
45 real property tax abatements pursuant to sections 467-b and 467-c of the  
46 real property tax law an amount equal to 10 per centum of the real prop-  
47 erty tax revenue lost during the city fiscal year due to the implementa-  
48 tion of the provisions of this act. Each city eligible for state  
49 payments pursuant to this section shall provide the state comptroller  
50 with such information as he or she shall deem necessary.

51 § 10. This act shall take effect July 1, 2020; provided however, that:

52 a. the amendments to section 467-b of the real property tax law, made  
53 by sections one, two, three and five of this act shall be subject to the  
54 expiration and reversion of such section pursuant to section 17 of chap-  
55 ter 576 of the laws of 1974, and shall expire and be deemed repealed  
56 therewith;

1     b. the amendments to paragraph a of subdivision 3 of section 467-b of  
2 the real property tax law, made by section four of this act shall be  
3 subject to the expiration of such paragraph pursuant to section 4 of  
4 part U of chapter 55 of the laws of 2014, as amended, and shall be  
5 deemed to expire therewith, when upon such date section five of this act  
6 shall take effect; and

7     c. the amendments to subparagraph (1) of paragraph d of subdivision 1  
8 of section 467-c of the real property tax law, made by section six of  
9 this act shall not affect the expiration of such subparagraph pursuant  
10 to section 4 of part U of chapter 55 of the laws of 2014, as amended,  
11 and shall expire and be deemed repealed therewith, when upon such date  
12 section seven of this act shall take effect.