

# STATE OF NEW YORK

8985

## IN ASSEMBLY

January 7, 2020

Introduced by M. of A. CYMBROWITZ -- read once and referred to the  
Committee on Housing

AN ACT to amend the private housing finance law, in relation to persons  
and families in company projects who are required to pay a rental  
surcharge

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

1 Section 1. Paragraph (a) of subdivision 2 of section 31 of the private  
2 housing finance law, as amended by a chapter of the laws of 2019, amend-  
3 ing the private housing finance law relating to the aggregate annual  
4 income of low income persons or families eligible for accommodations in  
5 a company project, as proposed in legislative bills numbers S.4133 and  
6 A.5350, is amended to read as follows:

7 (a) The dwelling or non-housekeeping accommodations without board in a  
8 company project shall be available for persons or families of low income  
9 whose probable aggregate annual income at the time of admission and  
10 during the period of occupancy does not exceed, the greater of (i) the  
11 median income for such persons or families for the metropolitan statis-  
12 tical area in which the project is located, or if a project is located  
13 outside a metropolitan statistical area, the median income for such  
14 persons or families for the county in which the project is located, as  
15 most recently determined by the United States department of housing and  
16 urban development, in which case any person or family becoming eligible  
17 for admission pursuant to this subparagraph shall pay, from the time of  
18 admission, a rental surcharge as provided for in subdivision three of  
19 this section, computed on the basis of the income limitations applicable  
20 to such persons or families in the absence of this subparagraph, or (ii)  
21 eight times the rental, including the value or cost to them of heat,  
22 light, water and cooking fuel, of the dwellings that may be furnished to  
23 such persons or families, except that in the case of families with three  
24 or more dependents, such ratio shall not exceed nine to one. Persons or  
25 families with two or less dependents eligible for admission or continued  
26 occupancy pursuant to subparagraph (ii) of this paragraph or subpara-  
27 graph (ii) of this paragraph prior to the effective date of a chapter of

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

LBD09545-02-9

1 the laws of two thousand nineteen that amended subparagraph (ii) of this  
2 paragraph, shall pay a rental surcharge computed on the basis of an  
3 income limitation of seven times the rental and families with three or  
4 more dependents eligible for admission or continued occupancy pursuant  
5 to subparagraph (ii) of this paragraph or subparagraph (ii) of this  
6 paragraph prior to the effective date of a chapter of the laws of two  
7 thousand nineteen that amended subparagraph (ii) of this paragraph,  
8 shall pay a rental surcharge computed on the basis of an income limita-  
9 tion of eight times the cost of the rental, including in each instance  
10 the value or cost to the persons or families of heat, light, water and  
11 cooking fuel, of the dwellings furnished to such persons or families.

12 The "probable aggregate annual income" in the case of dwelling accom-  
13 modations means the annual income of the chief wage earner of the fami-  
14 ly, plus all other income of other members of the family over the age of  
15 twenty-one years, plus a proportion of income of gainfully employed  
16 members under the age of twenty-one years, the proportion to be deter-  
17 mined by the company as approved by the commissioner or the supervising  
18 agency, as the case may be, excluding therefrom a deduction of fifteen  
19 thousand dollars from the income of secondary wage earners of the family  
20 or a larger deduction if approved by the commissioner or the supervising  
21 agency, as the case may be, except that the company, as approved by the  
22 commissioner or the supervising agency, as the case may be, may exclude  
23 a proportion of the income of other members of the family over the age  
24 of twenty-one years for the purpose of determining eligibility for  
25 admission or continued occupancy, or for establishing the rental of such  
26 family, or for all such purposes; in the case of such non-housekeeping  
27 accommodations it means the annual income of the occupant, provided that  
28 the commissioner or supervising agency, as the case may be, may make  
29 rules and regulations relative to the allocation of the income of a  
30 family among the members thereof for the purpose of determining the  
31 income attributable to such occupant.

32 § 2. This act shall take effect on the same date and in the same  
33 manner as a chapter of the laws of 2019, amending the private housing  
34 finance law relating to the aggregate annual income of low income  
35 persons or families eligible for accommodations in a company project, as  
36 proposed in legislative bills numbers S.4133 and A.5350, takes effect.