

# STATE OF NEW YORK

3913

2019-2020 Regular Sessions

## IN SENATE

February 21, 2019

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the private housing finance law, the real property tax law and the administrative code of the city of New York, in relation to limited-profit housing companies and tax exemptions

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

Section 1. Section 33 of the private housing finance law is amended by adding a new subdivision 7 to read as follows:

7. Nothing contained in this section shall be construed to limit or otherwise impair the benefits available to any company or resident eligible for exemption from taxation pursuant to sections four hundred twenty-five, four hundred fifty-eight, four hundred fifty-nine and four hundred sixty-seven of the real property tax law.

§ 2. Paragraph (c) of subdivision 6 of section 458-a of the real property tax law, as added by chapter 171 of the laws of 1997, is amended to read as follows:

(c) [~~Notwithstanding paragraph (b) of this subdivision, a~~] A tenant-stockholder who resides in a dwelling that is subject to the provisions of either article two, four, five or eleven of the private housing finance law shall [~~not~~] be eligible for an exemption pursuant to this section.

§ 3. Paragraph (c) of subdivision 3-a of section 467 of the real property tax law, as amended by chapter 49 of the laws of 1996, is amended to read as follows:

(c) Real property may be exempt from taxation pursuant to this subdivision by a municipality in which such property is located only if the governing board of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor. [~~Notwithstanding any provision of law to the contrary, any~~] Any local law, ordinance or

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

LBD01021-01-9

1 resolution adopted pursuant to this paragraph may provide, or be amended  
2 to provide, that a tenant-stockholder who resides in a dwelling which is  
3 subject to the provisions of either article two, four, five or eleven of  
4 the private housing finance law and who is eligible for a rent increase  
5 exemption pursuant to section four hundred sixty-seven-c of this title  
6 shall ~~[not]~~ be eligible for an exemption pursuant to this subdivision  
7 and that a tenant-stockholder who resides in a dwelling which is subject  
8 to the provisions of either article two, four, five or eleven of the  
9 private housing finance law and who is not eligible for a rent increase  
10 exemption pursuant to section four hundred sixty-seven-c of this title  
11 but who meets the requirements for eligibility for an exemption pursuant  
12 to this section shall be eligible for such exemption provided that such  
13 exemption shall be in an amount determined by multiplying the exemption  
14 otherwise allowable pursuant to this section by a fraction having a  
15 numerator equal to the amount of real property taxes or payments in lieu  
16 of taxes that were paid with respect to such dwelling and a denominator  
17 equal to the full amount of real property taxes that would have been  
18 owed with respect to such dwelling had it not been granted an exemption  
19 or abatement of real property taxes pursuant to any provision of law,  
20 provided, however, that any reduction in real property taxes received  
21 with respect to such dwelling pursuant to this section or section four  
22 hundred sixty-seven-c of this title shall not be considered in calculat-  
23 ing such numerator. Any such local law, ordinance or resolution that so  
24 provides, or is amended to so provide, shall also provide that a  
25 tenant-stockholder who resides in a dwelling which was or continues to  
26 be subject to a mortgage insured or initially insured by the federal  
27 government pursuant to section two hundred thirteen of the National  
28 Housing Act, as amended, and who is eligible for both a rent increase  
29 exemption pursuant to section four hundred sixty-seven-c of this title  
30 and an exemption pursuant to this subdivision, may apply for and receive  
31 either a rent increase exemption pursuant to section four hundred  
32 sixty-seven-c of this title or an exemption pursuant to this subdivi-  
33 sion, but not both.

34 § 4. Paragraph (b) of subdivision 8 of section 11-245.4 of the admin-  
35 istrative code of the city of New York, as added by local law number 13  
36 of the city of New York for the year 1998, is amended to read as  
37 follows:

38 (b) ~~[Notwithstanding any other provision of law, a]~~ A tenant-stock-  
39 holder who resides in a dwelling which is subject to the provisions of  
40 either article II, IV, V or XI of the private housing finance law shall  
41 ~~[not]~~ be eligible for an exemption pursuant to this subdivision.

42 § 5. This act shall take effect immediately.