

STATE OF NEW YORK

924

2019-2020 Regular Sessions

IN SENATE

January 9, 2019

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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, paragraph (d) as added by chapter 343
20 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

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

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

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

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

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

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

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

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

51 a. for a dwelling unit where the head of the household is a person
52 sixty-two years of age or older or where the head of the household pays
53 a maximum rent or legal regulated rent which exceeds one-half of the
54 combined income of all members of the household, no tax abatement shall
55 be granted if the combined income of all members of the household for
56 the income tax year immediately preceding the date of making application

1 exceeds four thousand dollars, or such other sum not more than twenty-
2 five thousand dollars beginning July first, two thousand five, twenty-
3 six thousand dollars beginning July first, two thousand six, twenty-sev-
4 en thousand dollars beginning July first, two thousand seven,
5 twenty-eight thousand dollars beginning July first, two thousand eight,
6 twenty-nine thousand dollars beginning July first, two thousand nine,
7 and fifty thousand dollars beginning July first, two thousand fourteen,
8 as may be provided by the local law, ordinance or resolution adopted
9 pursuant to this section, provided that when the head of the household
10 retires before the commencement of such income tax year and the date of
11 filing the application, the income for such year may be adjusted by
12 excluding salary or earnings and projecting his or her retirement income
13 over the entire period of such year.

14 § 5. Paragraph d of subdivision 1 of section 467-c of the real proper-
15 ty tax law, as separately amended by chapters 188 and 205 of the laws of
16 2005, subparagraph 1 as amended by section 2 of part U of chapter 55 of
17 the laws of 2014, is amended to read as follows:

18 d. "Eligible head of the household" means (1) a person or his or her
19 spouse who is sixty-two years of age or older, or a person who pays a
20 maximum rent which exceeds one-half of the combined income of all
21 members of the household, and is entitled to the possession or to the
22 use and occupancy of a dwelling unit, provided, however, with respect to
23 a dwelling which was subject to a mortgage insured or initially insured
24 by the federal government pursuant to section two hundred thirteen of
25 the National Housing Act, as amended "eligible head of the household"
26 shall be limited to that person or his or her spouse who was entitled to
27 possession or the use and occupancy of such dwelling unit at the time of
28 termination of such mortgage, and whose income when combined with the
29 income of all other members of the household, does not exceed six thou-
30 sand five hundred dollars for the taxable period, or such other sum not
31 less than sixty-five hundred dollars nor more than twenty-five thousand
32 dollars beginning July first, two thousand five, twenty-six thousand
33 dollars beginning July first, two thousand six, twenty-seven thousand
34 dollars beginning July first, two thousand seven, twenty-eight thousand
35 dollars beginning July first, two thousand eight, twenty-nine thousand
36 dollars beginning July first, two thousand nine, and fifty thousand
37 dollars beginning July first, two thousand fourteen, as may be provided
38 by local law; or (2) a person with a disability as defined in this
39 subdivision.

40 § 6. Subparagraph 1 of paragraph a of subdivision 3 of section 467-c
41 of the real property tax law, as amended by chapter 747 of the laws of
42 1985, is amended to read as follows:

43 (1) where the eligible head of the household who is either sixty-two
44 years of age or older or is disabled does not receive a monthly allow-
45 ance for shelter pursuant to the social services law, the amount by
46 which increases in the maximum rent subsequent to such person's eligi-
47 bility date have resulted in the maximum rent exceeding one-third of the
48 combined income of all members of the household for the taxable period,
49 or where the eligible head of the household is a person who pays a maxi-
50 imum rent which exceeds one-half of the combined income of all members of
51 the household and does not receive a monthly allowance for shelter
52 pursuant to the social services law, the amount by which increases in
53 the maximum rent subsequent to such person's date have resulted in the
54 maximum rent exceeding one-half of the combined income of all members of
55 the household for the taxable period, except that in no event shall a

1 rent increase exemption order/tax abatement certificate become effective
2 prior to January first, nineteen hundred seventy-six; or

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

10 § 8. This act shall take effect immediately; provided however, that

11 a. the amendments to section 467-b of the real property tax law, made
12 by sections one, two, three and four of this act shall be subject to the
13 expiration and reversion of such section pursuant to section 17 of chap-
14 ter 576 of the laws of 1974, and shall expire and be deemed repealed
15 therewith;

16 b. the amendments to paragraph a of subdivision 3 of section 467-b of
17 the real property tax law, made by section four of this act shall be
18 subject to the expiration of such paragraph pursuant to section 4 of
19 part U of chapter 55 of the laws of 2014, as amended, and shall be
20 deemed to expire therewith; and

21 c. the amendments to subparagraph 1 of paragraph d of subdivision 1 of
22 section 467-c of the real property tax law, made by section five of this
23 act shall not affect the expiration of such subparagraph pursuant to
24 section 4 of part U of chapter 55 of the laws of 2014, as amended, and
25 shall expire and be deemed repealed therewith.