

STATE OF NEW YORK

2310

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

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

AN ACT to amend the real property tax law, in relation to redetermination based on income for a 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 increase or decrease in the combined income of all members of the house-
8 hold in an amount which exceeds twenty percent of such income as repres-
9 ented in such head of the household's last approved application for a
10 tax abatement certificate or for renewal thereof, such head of the
11 household may apply for a redetermination of the amount set forth there-
12 in. Such determination may also be undertaken by the city rent agency.

13 Upon ~~[application]~~ redetermination, such amount shall be redetermined so
14 as to re-establish the ratio of adjusted rent to income which existed at
15 the time of approval of such head of the household's last application
16 for a tax abatement certificate or for renewal thereof; provided, howev-
17 er, that in no event shall the amount of the adjusted rent be redeter-
18 mined to be (i) in the case of a head of the household who does not
19 receive a monthly allowance for shelter pursuant to the social services
20 law, less than one-third of the combined income of all members of the
21 household unless such head of the household has been granted a rent
22 increase exemption order that is in effect as of January first, two
23 thousand fifteen or takes effect on or before July first, two thousand

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

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1 fifteen; or (ii) in the case of a head of the household who receives a
2 monthly allowance for shelter pursuant to the social services law, less
3 than the maximum allowance for shelter which such head of the household
4 is entitled to receive pursuant to such law. For purposes of this para-
5 graph, a decrease in the combined income of all members of the household
6 shall not include any decrease in such income resulting from the manner
7 in which income is calculated pursuant to any amendment to paragraph c
8 of subdivision one of this section made on or after April first, nine-
9 teen hundred eighty-seven. For purposes of this paragraph, "adjusted
10 rent" shall mean maximum rent or legal regulated rent less the amount
11 set forth in a tax abatement certificate.

12 § 2. This act shall take effect immediately.