STATE OF NEW YORK

2806

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the real property tax law and the administrative code of the city of New York, in relation to establishing a maximum rent of one-third of household income for the senior citizens rent increase exemption (SCRIE) and disability rent increase exemption (DRIE)

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

Section 1. Short title. This act shall be known and may be cited as the "senior citizens rent increase exemption (SCRIE) and disability rent increase exemption (DRIE) rollback act".

§ 2. Subdivision 4 of section 467-b of the real property tax law is amended by adding a new paragraph (c) to read as follows:

(c) Provided, however, that in a city of a population of one million or more, a tax abatement certificate setting forth an amount equal to the amount by which the maximum rent or legal regulated rent of the subsequent dwelling unit exceeds one-third of the combined income of all members of the household for the taxable period shall be issued by said agency to each head of household who is found to be eligible under this section and upon application to the appropriate rent control agency or administrative agency on a form prescribed by said agency on or before the last date prescribed by law for the payment of the taxes or the first installment therefor of any municipal corporation which has granted an abatement of taxes. Copies of such certificate shall be issued to the owner of the real property containing the dwelling unit of the head of the household and to the collecting officer charged with the duty of collecting the taxes or each municipal corporation which has granted the abatement of taxes authorized by this section.

§ 3. Subdivision (a) of section 26-605 of the administrative code of the city of New York, as amended by local law number 98 of the city of

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

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New York for the year 1985 and paragraph 3 as added by chapter 553 of the laws of 2015, is amended to read as follows:

(a) Subject to the provisions of this chapter an eligible head of the household may obtain a rent increase exemption order/tax abatement certificate entitling him or her to an exemption from increases in the maximum rent **equal to the amount by which the maximum rent or legal regulated rent of the subsequent dwelling unit exceeds one-third of the combined income of all members of the household** otherwise payable in one of the following amounts:

(1) where the eligible head of the household does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which increases in the maximum rent subsequent to such persons' eligibility date have resulted in the maximum rent exceeding one-third of the combined income of all members of the household for the taxable period, except that in no event shall a rent increase exemption order tax abatement certificate become effective prior to January first, nineteen hundred seventy-six; or

(2) where the eligible head of the household receives a monthly allowance for shelter pursuant to the social services law, an amount not exceeding that portion of any increase in maximum rent subsequent to such person's eligibility date which is not covered by the maximum allowance for shelter which such person is entitled to receive pursuant to the social services law.

[~~(3) notwithstanding paragraph one of this subdivision, where the eligible head of the household is a person who qualifies as a person with a disability pursuant to section 26-617 of this chapter and who has been granted a rent increase exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen, the amount specified in such order, as adjusted by any other provision of this chapter, regardless of whether increases in the maximum rent subsequent to such persons' eligibility date have resulted in the maximum rent exceeding one-third of the combined income of all members of the household for the taxable period.~~]

§ 4. Item (a) of subparagraph (i) of paragraph 3 of subdivision b of section 26-509 of the administrative code of the city of New York, as amended by local law number 98 of the city of New York for the year 1985, is amended to read as follows:

(a) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, that the landlord may not collect from the tenant to whom it is issued rent at a rate in excess of [~~either~~] one-third of the aggregate disposable income[~~, or the rent in effect immediately preceding the eligibility date, whichever is greater~~]; or

§ 5. This act shall take effect immediately; provided that the amendments to section 26-509 of chapter 4 of title 26 of the administrative code of the city of New York made by section four of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law.