

# STATE OF NEW YORK

4968

2023-2024 Regular Sessions

## IN SENATE

February 17, 2023

Introduced by Sens. JACKSON, SALAZAR -- 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 public housing law and the private housing finance  
law, in relation to defining probable aggregate annual income

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

1 Section 1. The closing paragraph of subdivision 1 of section 156 of  
2 the public housing law, as amended by chapter 893 of the laws of 1974,  
3 is amended to read as follows:

4 c. The "probable aggregate annual income" means the annual net income  
5 [~~of the chief wage earner of the family~~] after federal, state and munic-  
6 ipal income taxes are deducted from the gross income of the chief wage  
7 earner plus all other income of other members of the family over the  
8 age of twenty-one years, plus a proportion of the income of members  
9 under the age of twenty-one years to be determined by the authority  
10 solely for the purpose of establishing rent to be paid except that the  
11 authority may exclude a proportion of the income of other members of the  
12 family over the age of twenty-one years for the purpose of determining  
13 eligibility for admission or continued occupancy, or for establishing  
14 rental of such family, or for all such purposes, subject to approval by  
15 the commissioner with respect to state projects.

16 § 2. Paragraph (a) of subdivision 2 of section 31 of the private hous-  
17 ing finance law, as amended by section 1 of subpart G of part XX of  
18 chapter 55 of the laws of 2020, is amended to read as follows:

19 (a) The dwelling or non-housekeeping accommodations without board in a  
20 company project shall be available for persons or families of low income  
21 whose probable aggregate annual income at the time of admission and  
22 during the period of occupancy does not exceed, the greater of (i) the  
23 median income for such persons or families for the metropolitan statis-  
24 tical area in which the project is located, or if a project is located

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

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1 outside a metropolitan statistical area, the median income for such  
2 persons or families for the county in which the project is located, as  
3 most recently determined by the United States department of housing and  
4 urban development, in which case any person or family becoming eligible  
5 for admission pursuant to this subparagraph shall pay, from the time of  
6 admission, a rental surcharge as provided for in subdivision three of  
7 this section, computed on the basis of the income limitations applicable  
8 to such persons or families in the absence of this subparagraph, or (ii)  
9 eight times the rental, including the value or cost to them of heat,  
10 light, water and cooking fuel, of the dwellings that may be furnished to  
11 such persons or families, except that in the case of families with three  
12 or more dependents, such ratio shall not exceed nine to one. Persons or  
13 families with two or less dependents eligible for admission or continued  
14 occupancy pursuant to subparagraph (ii) of this paragraph or subpara-  
15 graph (ii) of this paragraph prior to the effective date of [a] chapter  
16 726 of the laws of two thousand nineteen [~~that amended subparagraph (ii)~~  
17 ~~of this paragraph~~], shall pay a rental surcharge computed on the basis  
18 of an income limitation of seven times the rental and families with  
19 three or more dependents eligible for admission or continued occupancy  
20 pursuant to subparagraph (ii) of this paragraph or subparagraph (ii) of  
21 this paragraph prior to the effective date of [a] chapter 726 of the  
22 laws of two thousand nineteen [~~that amended subparagraph (ii) of this~~  
23 ~~paragraph~~], shall pay a rental surcharge computed on the basis of an  
24 income limitation of eight times the cost of the rental, including in  
25 each instance the value or cost to the persons or families of heat,  
26 light, water and cooking fuel, of the dwellings furnished to such  
27 persons or families.

28 The "probable aggregate annual income" in the case of dwelling accom-  
29 modations means the annual net income [~~of the chief wage earner of the~~  
30 ~~family~~] after federal, state and municipal taxes are deducted from the  
31 gross income of the chief wage earner, plus all other income of other  
32 members of the family over the age of twenty-one years, plus a propor-  
33 tion of income of gainfully employed members under the age of twenty-one  
34 years, the proportion to be determined by the company as approved by the  
35 commissioner or the supervising agency, as the case may be, excluding  
36 therefrom a deduction of fifteen thousand dollars from the income of  
37 secondary wage earners of the family or a larger deduction if approved  
38 by the commissioner or the supervising agency, as the case may be,  
39 except that the company, as approved by the commissioner or the super-  
40 vising agency, as the case may be, may exclude a proportion of the  
41 income of other members of the family over the age of twenty-one years  
42 for the purpose of determining eligibility for admission or continued  
43 occupancy, or for establishing the rental of such family, or for all  
44 such purposes; in the case of such non-housekeeping accommodations it  
45 means the annual income of the occupant, provided that the commissioner  
46 or supervising agency, as the case may be, may make rules and regu-  
47 lations relative to the allocation of the income of a family among the  
48 members thereof for the purpose of determining the income attributable  
49 to such occupant.

50 § 3. Subdivision 5 of section 85-a of the private housing finance law,  
51 as amended by chapter 182 of the laws of 1997, is amended to read as  
52 follows:

53 5. The "probable aggregate annual income" means the annual net income  
54 [~~of the chief wage earner of the family~~] after federal, state and munic-  
55 ipal income taxes are deducted from the gross income of the chief wage  
56 earner plus all other income of members of the family over the age of

1 twenty-one years, plus a proportion of the income of members under the  
2 age of twenty-one years to be determined by the commissioner, excluding  
3 therefrom a deduction of fifteen thousand dollars from the income of  
4 secondary wage earners of the family or a larger deduction if approved  
5 by the commissioner or the supervising agency, as the case may be,  
6 except that the company, as approved by the commissioner, may exclude a  
7 proportion of the income of other members of the family over the age of  
8 twenty-one years for the purpose of determining eligibility for admis-  
9 sion or continued occupancy, or for establishing the rental of such  
10 family, or for all such purposes.

11 § 4. This act shall take effect on the first of January next succeed-  
12 ing the date on which it shall have become a law.