

STATE OF NEW YORK

2179

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Housing

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 Assembly, 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
25 outside a metropolitan statistical area, the median income for such

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

LBD01005-01-3

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

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

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

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

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

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