

STATE OF NEW YORK

7668

2023-2024 Regular Sessions

IN SENATE

September 25, 2023

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

AN ACT to amend the real property tax law and the administrative code of the city of New York, 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 decrease in the combined income of all members of the household [~~in an~~
8 ~~amount which exceeds twenty percent of such income as represented in~~
9 ~~such head of the household's last approved application for a tax abate-~~
10 ~~ment certificate or for renewal thereof],~~ such head of the household may
11 apply for a redetermination of the amount set forth therein. Upon appli-
12 cation, such amount shall be redetermined so as to re-establish the
13 ratio of adjusted rent to income which existed at the time of approval
14 of such head of the household's last application for a tax abatement
15 certificate or for renewal thereof; provided, however, that in no event
16 shall the amount of the adjusted rent be redetermined to be (i) in the
17 case of a head of the household who does not receive a monthly allowance
18 for shelter pursuant to the social services law, less than one-third of
19 the combined income of all members of the household unless such head of
20 the household has been granted a rent increase exemption order that is
21 in effect as of January first, two thousand fifteen or takes effect on
22 or before July first, two thousand fifteen; or (ii) in the case of a
23 head of the household who receives a monthly allowance for shelter

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

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

11 § 2. Subparagraph 2 of paragraph a of subdivision 4 of section 467-b
12 of the real property tax law is renumbered subparagraph 3 and a new
13 subparagraph 2 is added to read as follows:

14 (2) Notwithstanding any other provision of law to the contrary, a head
15 of household to whom a rent increase exemption order/tax abatement
16 certificate has previously been issued under this section who has
17 submitted a renewal application pursuant to subparagraph one of this
18 paragraph where there is a decrease in the combined income of all
19 members of the household, shall be issued such order/certificate in an
20 amount not in excess of that portion of any increase in maximum rent or
21 legal regulated rent which causes such maximum rent or legal regulated
22 rent to exceed one-third of the combined income of all members of the
23 household.

24 § 3. Subdivision (d) of section 26-605 of the administrative code of
25 the city of New York, as amended by chapter 553 of the laws of 2015, is
26 amended to read as follows:

27 (d) Notwithstanding any other provision of law to the contrary, where
28 an eligible head of the household holds a current, valid rent increase
29 exemption order/tax abatement certificate and, after the effective date
30 of this subdivision, there is a permanent decrease in income [~~in an~~
31 ~~amount which exceeds twenty percent of such income as represented in~~
32 ~~such eligible head of household's last approved application for a rent~~
33 ~~increase exemption order/tax abatement certificate or for renewal there-~~
34 ~~of], such eligible head of the household may apply for a redetermination~~
35 of the amount set forth therein. Upon application, such amount shall be
36 redetermined so as to reestablish the ratio of adjusted rent to income
37 which existed at the time of approval of such eligible head of the
38 household's last application for a rent increase exemption order/tax
39 abatement certificate or for renewal thereof; provided, however, that in
40 no event shall the amount of the adjusted rent be redetermined to be (i)
41 in the case of an eligible head of the household who does not receive a
42 monthly allowance for shelter pursuant to the social services law, less
43 than one-third of income unless such head of the household qualifies as
44 a person with a disability pursuant to section 26-617 of this chapter
45 and has been granted a rent increase exemption order/tax abatement
46 certificate that is in effect as of January first, two thousand fifteen
47 or takes effect on or before July first, two thousand fifteen; or (ii)
48 in the case of an eligible head of the household who receives a monthly
49 allowance for shelter pursuant to the social services law, less than the
50 maximum allowance for shelter which such eligible head of the household
51 is entitled to receive pursuant to law. For purposes of this subdivi-
52 sion, a decrease in income shall not include any decrease in income
53 resulting from the manner in which income is calculated pursuant to any
54 amendment to paragraph f of subdivision one of section four hundred
55 sixty-seven-c of the real property tax law or an amendment to subdivi-
56 sion f of section 26-601 of this code made on or after April first,

1 nineteen hundred eighty-seven. For purposes of this subdivision,
2 "adjusted rent" shall mean maximum rent less the amount set forth in a
3 rent increase exemption order/tax abatement certificate.

4 § 4. Section 26-605 of the administrative code of the city of New York
5 is amended by adding a new subdivision (d-1) to read as follows:

6 (d-1) Notwithstanding any other provision of law to the contrary, a
7 head of household to whom a rent increase exemption order/tax abatement
8 certificate has previously been issued under this chapter, chapter three
9 or chapter four of this title who has submitted a renewal application
10 pursuant to this section where there is a decrease in the combined
11 income of all members of the household, shall be issued such
12 order/certificate in an amount not in excess of that portion of any
13 increase in maximum rent or legal regulated rent which causes such maxi-
14 mum rent or legal regulated rent to exceed one-third of the combined
15 income of all members of the household.

16 § 5. This act shall take effect immediately.