

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1996**

No. 40

Introduced by The Speaker (Council Member Vallone), Council Members Harrison, Albanese, Cruz, DeMarco, DiBrienza, Eisland, Fields, Henry, Koslowitz, Lasher, McCaffrey, Pinkett, Povman, Powell IV, Rosado, Ruiz, Weiner, White, Williams, Abel, Ognibene, Stabile, Berman, Duane, Michels, Miller, Sabini, Eldridge, Fisher, Leffler, Marshall, Robles, Watkins, Wooten, Eristoff, Rivera, Linares, McCabe and Clarke.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the grant of partial exemptions from real property taxation to certain senior citizens residing in cooperative apartments.

Be it enacted by the Council as follows:

Section 1. Subdivision 10 of section 11-245.3 of the administrative code of the city of New York, as added by local law number 1 for the year 1996, is amended to read as follows:

10. *a.* For the purposes of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall [, except for any portion of such real property that is a "dwelling unit" as defined in section 26-601 of the code,] be deemed to be vested in such tenant-stockholder. That proportion of the assessment of real property owned by a cooperative apartment corporation, determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides, shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the department of finance against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder. Each cooperative apartment corporation shall notify each tenant-stockholder [thereof] in residence *thereof* of such provisions as are set forth in this section. [This subdivision shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1996.]

b. Notwithstanding any other provision of law, a tenant-stockholder who resides in a dwelling which is subject to the provisions of either article II, IV, V or XI of the private

housing finance law and who is eligible for a rent increase exemption pursuant to chapter seven of title twenty-six of this code shall not be eligible for an exemption pursuant to this subdivision. Notwithstanding any other provision of law, a tenant-stockholder who resides in a dwelling which is subject to the provisions of either article II, IV, V or XI of the private housing finance law and who is not eligible for a rent increase exemption pursuant to chapter seven of title twenty-six of this code but who meets the requirements for eligibility for an exemption pursuant to this section shall be eligible for such exemption provided that such exemption shall be in an amount determined by multiplying the exemption otherwise allowable pursuant to this section by a fraction having a numerator equal to the amount of real property taxes or payments in lieu of taxes that were paid with respect to such dwelling and a denominator equal to the full amount of real property taxes that would have been owed with respect to such dwelling had it not been granted an exemption or abatement of real property taxes pursuant to any provision of law, provided, however, that any reduction in real property taxes received with respect to such dwelling pursuant to chapter seven of title twenty-six of this code or pursuant to this section shall not be considered in calculating such numerator. Any tenant-stockholder who resides in a dwelling which was or continues to be subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the national housing act, as amended, and who is eligible for both a rent increase exemption pursuant to chapter seven of title twenty-six of this code and an exemption pursuant to this subdivision, may apply for and receive either a rent increase exemption pursuant to such chapter or an exemption pursuant to this subdivision, but not both.

§2. Section seven of local law number 1 for the year 1996, relating to certain benefits for senior citizens, is amended to read as follows:

§7. This local law shall take effect immediately; provided, however, that the amendment of section 11-245.3 of the administrative code of the city of New York by section five of this local law shall take effect on January 1, 1996 and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1996; [and, provided, further, that the amendment of section 11-245.3 of such code by section six of this local law shall take effect on any effective date hereinafter authorized by the state legislature;] and, provided, further, that the amendment of subparagraph (ii) of paragraph (2) of subdivision m of section 26-405 of such code by section one of this local law, the amendment of paragraph (5) of subdivision m of section 26-405 of such code by section two of this local law, the amendment of subparagraph (ii) of paragraph (2) of subdivision b of section 26-509 of such code by section three of this local law, and the amendment of subdivision d of section 26-601 of such code by section four of this local law shall each be retroactive to and shall be deemed to have been in full force and effect on and after August 2, 1995. Notwithstanding any other provisions of the administrative code of the city of New York, any person who on or after August 2, 1995 through the date of enactment of this local law would have been eligible for a rent increase exemption order pursuant to such code but for the fact that his or her income exceeded the income limitation of sixteen thousand, five hundred dollars in effect before the enactment of this local law, and who as a result of the enactment of this local law increasing the maximum income limitation to twenty thousand dollars is eligible for such order on or after August 2, 1995 through the date of enactment of this local law may file an application for such order within ninety days of the enactment of this local law. Any such rent increase exemption order issued to such applicant shall be effective as of that date on or after August 2, 1995 through the date of enactment of this local law upon which such person would have been eligible for such rent increase exemption order but for the fact that his or

her income exceeded the income limitation of sixteen thousand, five hundred dollars in effect before the enactment of this local law.

§3. This local law shall take effect immediately, provided, however, that subdivision 10 of section 11-245.3 of the administrative code of the city of New York, as amended by section one of this local law, shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1996 and provided, further, however, that notwithstanding any other provision of law, applications for exemption under section 11-245.3 of the administrative code of the city of New York, which applications relate to the assessment roll of the city for the fiscal year beginning July 1, 1996, shall be considered timely filed if they are filed on or before April 1, 1996.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on May 2, 1996, and approved by the Mayor on May 14, 1996.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 40 of 1996, Council Int. No. 762) contains the correct text and:

Received the following vote at the meeting of the New York City Council on May 2, 1996: 50 for, 0 against.

Was approved by the Mayor on May 14, 1996.

Was returned to the City Clerk on May 14, 1996.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel