



Legislation Text

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Int. No. 724

By Council Members Lopez, The Speaker (Council Member Miller), Baez, Barron, Brewer, Clarke, Comrie, Fidler, Gerson, Gonzalez, James, Koppell, Liu, McMahon, Monserrate, Nelson, Recchia Jr., Seabrook, Sears, Stewart, Weprin, Gentile, Palma, Katz, Avella, Sanders Jr., Jackson, Martinez and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to rent increase exemptions for persons with disabilities.

Be it enacted by the Council as follows:

Section 1. Subparagraph (iii) of paragraph (2) of subdivision m of section 26-405 of the administrative code of the city of New York, as last amended by local law number 76 for the year 2005, is hereby amended to read as follows:

(iii) the aggregate disposable income (as defined by regulation of such agency as the mayor shall designate) for the current income tax year of all members of the household residing in the housing accommodation whose head of the household is a person with a disability pursuant to this section does not exceed the maximum income above which such head of the household would not be eligible to receive cash supplemental security income benefits under federal law during such tax year. For purposes of this subparagraph, “aggregate disposable income” shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the date of eligibility of a head of the household receiving benefits under this subdivision whether received by the head of the household or any other member of the

household.

§2. Subparagraph (iii) of paragraph (2) of subdivision b of section 26-509 of the administrative code of the city of New York, as last amended by local law number 76 for the year 2005, is hereby amended to read as follows:

(iii) the aggregate disposable income (as defined by regulation of such agency as the mayor shall designate) for the current income tax year of all members of the household residing in the housing accommodation whose head of the household is a person with a disability does not exceed the maximum income above which such head of the household would not be eligible to receive cash supplemental security income benefits under federal law during such tax year. For purposes of this subparagraph, “aggregate disposable income” shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the eligibility date of the head of the household receiving benefits under this section, whether received by the head of the household or any other member of the household.

§3. Subdivision f of section 26-601 of the administrative code of the city of New York, as last amended by local law number 98 for the year 1985, is hereby amended to read as follows:

f. "Income" means income received by the eligible head of the household combined with the income of all other members of the household from all sources after deduction of all income and social security taxes and includes without limitation, social security and retirement benefits, supplemental security income and additional state payments, public assistance benefits, interest, dividends, net rental income, salary and earnings, and net income from self-employment, but shall not include gifts or inheritances, payments made to individuals

because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or [nor] increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the eligibility date of an eligible head of the household receiving benefits hereunder, whether received by the eligible head of the household or any other member of the household. When the eligible head of a household has retired on or after the commencement of the taxable period and prior to the date of making an application for a rent increase exemption order/tax abatement certificate pursuant to this chapter, such person's income shall be adjusted by excluding salary or earnings and projecting such person's retirement income over the entire taxable period.

§ 4. This local law shall take effect immediately.

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