Legislation Details (With Text)

File #:	Int 0410-2003	**Version:**	*	**Name:**	Applications for redetermination of SCRIE benefits where there is a permanent reduction in income.
Type:	Introduction			**Status:**	Enacted
				In control:	Committee on Aging
On agenda:	4/9/2003				
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Title: A Local Law to amend the administrative code of the city of New York, in relation to applications for redetermination of senior citizen rent increase exemption benefits where there is a permanent reduction in income.

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript, 3. Hearing Transcript - Stated Meeting 8/19, 4. Fiscal Impact Statement, 5. Local Law

Date	Ver.	Action By	Action	Result
4/9/2003	*	City Council	Introduced by Council	
4/9/2003	*	City Council	Referred to Comm by Council	
6/16/2003	*	Committee on Aging	Hearing Held by Committee	
6/16/2003	*	Committee on Aging	Approved by Committee	Pass
6/17/2003	*	City Council	Laid Over by Council	
6/24/2003	*	City Council	Laid Over by Council	
6/25/2003	*	City Council	Laid Over by Council	
6/27/2003	*	City Council	Laid Over by Council	
8/19/2003	*	City Council	Approved by Council	Pass
8/19/2003	*	City Council	Sent to Mayor by Council	
9/4/2003	*	Mayor	Hearing Held by Mayor	
9/4/2003	*	Mayor	Signed Into Law by Mayor	
9/8/2003	*	City Council	Recved from Mayor by Council	

Int. No. 410

By Council Members Baez, Comrie, Davis, Jennings, Koppell, Lopez, Nelson, Reed, Reyna, Seabrook, Sears, Stewart, Vann, Provenzano, Recchia, Gonzalez, Dilan, Brewer, Felder, Espada, Gennaro, The Public Advocate (Ms. Gotbaum), Oddo, Lanza and Gallagher (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to applications for redetermination of senior citizen rent increase exemption benefits where there is a permanent reduction in income.

Be it enacted by the Council as follows:

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Section 1. Paragraph (9) of subdivision m of section 26-405 of the administrative code of the city of New York, as amended by local law 40 for the year 1992, is amended to read as follows:

(9) notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may[, upon renewal or one year after the issuance or renewal of such rent exemption order,] apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to aggregate disposable income which existed at the time of the approval of such eligible head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to such law. For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law or any amendment to the regulations of the department for the aging made on or after April first, nineteen hundred eighty-seven. For purposes of this paragraph, “adjusted rent” shall mean maximum rent less the amount set forth in a rent exemption order.

§2. Paragraph (9) of subdivision b of section 26-509 of such code, as amended by local law 40 for the year 1992, is amended to read as follows:

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(9) notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may[, upon renewal or one year after the issuance or renewal of such rent exemption order,] apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to aggregate disposable income which existed at the time of approval of such head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to such law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to the social services law. For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law or any amendment to the regulations of the department for the aging made on or after April first, nineteen hundred eighty-seven. For purposes of this paragraph, “adjusted rent” shall mean legal regulated rent less the amount set forth in a rent exemption order.

§3. Subdivision (d) of section 26-605 of such code, as added by chapter 584 of the laws of 1987, is amended to read as follows:

(d) notwithstanding any other provision of law to the contrary, where an eligible head of the household holds a current, valid rent increase exemption order/tax abatement certificate and, after the effective date of this subdivision, there is a permanent decrease in income in an amount which exceeds twenty percent of

such income as represented in such eligible head of household's last approved application for a rent increase exemption order/ tax abatement certificate or for renewal thereof, such eligible head of the household may[, upon renewal of such rent increase exemption order/tax abatement certificate,] apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to income which existed at the time of approval of such eligible head of the household's last application for a rent increase exemption order/tax abatement certificate or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of an eligible head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of income; or (ii) in the case of an eligible head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such eligible head of the household is entitled to receive pursuant to law. For purposes of this subdivision, a decrease in income shall not include any decrease in income resulting from the manner in which income is calculated pursuant to any amendment to paragraph f of subdivision one of section four hundred sixty -seven-c of the real property tax law or an amendment to subdivision f of section 26-601 of this code made on or after April first, nineteen hundred eighty-seven. For purposes of this subdivision, “adjusted rent” shall mean maximum rent less the amount set forth in a rent increase exemption order/tax abatement certificate.

§4. This local law shall take effect immediately and shall apply to applications for redetermination filed on or after March 23, 2003.

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