Legislation Details (With Text)

File #:	Int 0444-2006 **Version:** A	**Name:**	Increasing the maximum qualifying income for the Disabled Homeowner's Exemption.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services
On agenda:	9/27/2006		
Enactment date:	10/17/2006	**Enactment #:**	2006/041

Title: A Local Law to amend the administrative code of the city of New York, in relation to increasing the maximum qualifying income for the Disabled Homeowner's Exemption.

Sponsors: Christine C. Quinn, G. Oliver Koppell, Joseph P. Addabbo, Jr., Gale A. Brewer, Leroy G. Comrie, Jr., Erik Martin Dilan, Simcha Felder, Lewis A. Fidler, Vincent J. Gentile, Alan J. Gerson, Sara M. Gonzalez, Letitia James, Jessica S. Lappin, John C. Liu, Darlene Mealy, Michael C. Nelson, Annabel Palma, Domenic M. Recchia, Jr., James Sanders, Jr., Helen Sears, Kendall Stewart, David I. Weprin, Melissa Mark-Viverito, Rosie Mendez, Helen D. Foster, James Vacca, Inez E. Dickens, Michael E. McMahon, James F. Gennaro, Tony Avella, Melinda R. Katz, Dennis P. Gallagher, Andrew J. Lanza, James S. Oddo, Betsy Gotbaum

Indexes:

Attachments: 1. Int. No. 444 - 9/27/06, 2. Committee Report 10/3/06, 3. Hearing Transcript 10/3/06, 4. Committee Report 10/11/06, 5. Hearing Transcript 10/11/06, 6. Press Release, 7. Fiscal Impact Statement, 8. Hearing Transcript - Stated Meeting 10/11/06, 9. Local Law

Date	Ver.	Action By	Action	Result
9/27/2006	*	City Council	Introduced by Council	
9/27/2006	*	City Council	Referred to Comm by Council	
10/3/2006	*	Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services	Hearing Held by Committee	
10/3/2006	*	Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services	Laid Over by Committee	
10/3/2006	*	Committee on Aging	Hearing Held by Committee	
10/3/2006	*	Committee on Aging	Laid Over by Committee	
10/11/2006	*	Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services	Hearing Held by Committee	
10/11/2006	*	Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services	Amendment Proposed by Comm	
10/11/2006	*	Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services	Amended by Committee	

10/11/2006	A	Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services	Approved by Committee	Pass
10/11/2006	A	City Council	Approved by Council	Pass
10/11/2006	A	City Council	Sent to Mayor by Council	
10/17/2006	A	Mayor	Hearing Held by Mayor	
10/17/2006	A	Mayor	Signed Into Law by Mayor	
10/17/2006	A	City Council	Recved from Mayor by Council	

Int. No. 444-A

By the Speaker (Council Member Quinn) and Council Member Koppell, Addabbo Jr., Brewer, Comrie, Dilan, Felder, Fidler, Gentile, Gerson, Gonzalez, James, Lappin, Liu, Mealy, Nelson, Palma, Recchia Jr., Sanders Jr., Sears, Stewart, Weprin, Mark-Viverito, Mendez, Foster, Vacca, Dickens, McMahon, Gennaro, Avella, Katz, Gallagher, Lanza, Oddo and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to increasing the maximum qualifying income for the Disabled Homeowner's Exemption.

Be it enacted by the Council as follows:

Section 1. Paragraph (a) of subdivision 1 of section 11-245.4 of the administrative code of the city of New York, as added by local law number 13 for the year 1998, is amended to read as follows:

(a) Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, or real property owned by one or more persons, some of whom qualify under this section and section 11-245.3 of this part, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxes on real estate to the extent of fifty per centum of the assessed valuation thereof as hereinafter provided. For purposes of this section, sibling shall mean a brother or a sister, whether related through half blood, whole blood or adoption.

§2. Paragraph (a) of subdivision 3 of section 11-245.4 of the administrative code of the city of New York, as amended by local law number 84 for the year 2003, is amended to read as follows:

(a) if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of [twenty-four] twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning

July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

§3. Subdivision 6 of section 11-245.4 of the administrative code of the city of New York, as amended by local law number 84 for the year 2003, is amended to read as follows:

6. Notwithstanding the maximum income exemption eligibility level provided in subdivision three of this section, an exemption, subject to all other provisions of this section, shall be granted as indicated in the following schedule:

Annual Income as of July 1, 2006	Percentage Assessed Valuation Exempt From Taxation
More than $[24,000] 26,000 but less than $[25,000] 27,000	45 per centum
$[25,000] 27,000 or more but less than $[26,000] 28,000	40 per centum
$[26,000] 28,000 or more but less than $[27,000] 29,000	35 per centum
$[27,000] 29,000 or more but less than $[27,900] 29,900	30 per centum

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$[27,900] 29,900 or more but less than $[28,800] 30,800	25 per centum
$[28,800] 30,800 or more but less than $[29,700] 31,700	20 per centum
$[29,700] 31,700 or more but less than $[30,600] 32,600	15 per centum
$[30,600] 32,600 or more but less than $[31,500] 33,500	10 per centum
$[31,500] 33,500 or more but less than $[32,400] 34,400	5 per centum

Annual Income as of July 1, 2007	Percentage Assessed Valuation Exempt From Taxation
More than $27,000 but less than $28,000	45 per centum
$28,000 or more but less than $29,000	40 per centum
$29,000 or more but less than $30,000	35 per centum
$30,000 or more but less than $30,900	30 per centum
$30,900 or more but less than $31,800	25 per centum
$31,800 or more but less than $32,700	20 per centum
$32,700 or more but less than $33,600	15 per centum
$33,600 or more but less than $34,500	10 per centum
$34,500 or more but less than $35,400	5 per centum

Annual Income as of July 1, 2008	Percentage Assessed Valuation Exempt From Taxation
More than $28,000 but less than $29,000	45 per centum
$29,000 or more but less than $30,000	40 per centum
$30,000 or more but less than $31,000	35 per centum
$31,000 or more but less than $31,900	30 per centum
$31,900 or more but less than $32,800	25 per centum
$32,800 or more but less than $33,700	20 per centum
$33,700 or more but less than $34,600	15 per centum
$34,600 or more but less than $35,500	10 per centum
$35,500 or more but less than $36,400	5 per centum

Annual Income as of July 1, 2009	Percentage Assessed Valuation Exempt From Taxation
More than $29,000 but less than $30,000	45 per centum
$30,000 or more but less than $31,000	40 per centum
$31,000 or more but less than $32,000	35 per centum
$32,000 or more but less than $32,900	30 per centum
$32,900 or more but less than $33,800	25 per centum
$33,800 or more but less than $34,700	20 per centum

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$34,700 or more but less than $35,600	15 per centum
$35,600 or more but less than $36,500	10 per centum
$36,500 or more but less than $37,400	5 per centum

§4. Section 11-245.4 of the administrative code of the city of New York is amended by adding a new subdivision 10 to read as follows:

10. Exemption Option. Notwithstanding any provision of this part to the contrary, real property owned by one or more persons where one of such owners qualifies for a real property tax exemption pursuant to this section or section 11-245.3 of this part, and another of such owners qualifies for a different tax exemption pursuant to such sections of this part as authorized by state law, such owners shall have the option of choosing the one exemption which is most beneficial to such owners. Such owners shall not be prohibited from taking one such exemption solely on the basis that such owners qualify for more than one exemption and therefore are not eligible for any exemptions.

§5. If any subdivision, sentence, clause, phrase or other portion of the local law that amended this section is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that amended this section, which remaining portions shall remain in full force and effect.

§6. This local law shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2007.

MDP
LS #1572
9/18/2006 6:45 PM