



Legislation Text

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Preconsidered Int. No. 422

By Council Members Rosenthal, Williams, Dickens, Ulrich, Vacca, Cohen, Lander, Barron, Chin, Crowley, Cumbo, Gentile, Koo, Levine, Mendez, Reynoso, Vallone and Wills

A Local Law to amend the administrative code of the city of New York, in relation to increasing the maximum income level qualifying for exemption from rent increases granted to certain 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 amended by local law number 94 for the year 2005, is 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] fifty thousand dollars beginning July first, two thousand fourteen. 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 amended by local law number 94 for the year 2005, is 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] fifty thousand dollars beginning July first, two thousand fourteen. 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 d of section 26-601 of the administrative code of the city of New York, as amended by local law number 19 for the year 2014, is amended to read as follows:

d. "Eligible head of the household" means a person or his or her spouse who is sixty-two years of age or older or who qualifies as a person with a disability pursuant to section 26-617 of this chapter and is entitled to the possession or to the use and occupancy of a dwelling unit, provided, however, that with respect to a dwelling which was 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, "eligible head of the household" shall be limited to that person or his or her spouse who was entitled to possession or the use and occupancy of such dwelling unit at the time of termination of such mortgage, and whose income when combined with the income of all other members of the household whose head of household is sixty-two years of age or older does not

exceed twenty-five thousand dollars beginning July first, two thousand five, 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, twenty-nine thousand dollars beginning July first, two thousand nine, and fifty thousand dollars beginning July first, two thousand fourteen for the taxable period, or whose income for the current income tax year when combined with the income 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] fifty thousand dollars beginning July first, two thousand fourteen.

§ 4. Section 26-617 of the administrative code of the city of New York, as added by local law number 76 for the year 2005, is amended to read as follows:

Section 26-617 Eligibility for persons with disabilities. To qualify as a person with a disability for the purposes of this section, an individual shall submit to such agency as the mayor shall designate proof (as specified by regulation of such agency as the mayor shall designate) showing that such individual is currently receiving social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal social security act or disability pension or disability compensation benefits provided by the United States department of veterans affairs, or was previously eligible by virtue of receiving disability benefits under the supplemental security income program or the social security disability program and is currently receiving medical assistance benefits based on determination of disability as provided in section three hundred sixty-six of the social services law and whose income for the current income tax year, together with the income of all members of such individual's household, does not exceed [the maximum income at which such individual would be eligible to receive cash supplemental security income benefits under federal law during such tax year] fifty thousand dollars beginning July first, two thousand fourteen.

§ 5. This local law shall take effect on the same date as a chapter of the laws of 2014 amending the real

property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by persons with disabilities; and providing for the repeal of certain provisions upon expiration thereof, as proposed in legislative bill number A. 9744, takes effect, and shall expire and be deemed repealed on July 1, 2016; provided that, notwithstanding any other provision of law, any renewal application that was received before the effective date of this local law and that would have been timely if received on or after such effective date, pursuant to paragraph (6) of subdivision m of section 26-405, paragraph (6) of subdivision b of section 26-509, or subdivision (c) of section 26-605 of the administrative code of the city of New York, shall be deemed to have been received on or after such effective date; and provided further that the amendment to section 26-509 of the administrative code of the city of New York made by section two of this local law shall not affect the expiration of such section and shall be deemed to expire therewith.

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