



## Legislation Text

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**File #:** Int 0539-2003, **Version:** \*

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Int. No. 539

By Council Member Baez, The Speaker (Council Member Miller) and Council Members Weprin, Oddo, Dilán, Comrie, Nelson, Brewer, Gennaro, Seabrook, Rivera, Barron, Serrano, López, Provenzano, Recchia, Gallagher, Avella, Sears, Espada, Gerson, Katz, Addabbo, González, Felder, Fidler, Foster, Perkins, Clarke, Gioia, Jackson, Jennings, Koppell, Liu, Martinez, McMahon, Monserrate, Moskowitz, Quinn, Reed, Reyna, Sanders, Stewart, Vallone, Vann, Yassky, Gentile, DeBlasio and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to increasing to \$24,000 the maximum income level qualifying for exemption from rent increases granted to certain senior citizens.

Be it enacted by the Council as follows:

Section 1. Subparagraph (ii) 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 1 for the year 1996, is amended to read as follows:

(ii) The aggregate disposable income (as defined by regulation of the department for the aging) of all members of the household residing in the housing accommodation does not exceed [twenty] twenty-four thousand dollars per year, after deduction of federal, state and city income and social security taxes. For purposes of this subdivision, "aggregate disposable income" shall not include increases in benefits accorded pursuant to the social security act 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; and

§2. Paragraph (5) of subdivision m of section 26-405 of such code, as amended by local law number 1 for the year 1996, is amended to read as follows:

(5) A rent exemption order shall be issued to each tenant who applies to the New York city department for the aging in accordance with its regulations and who is found to be eligible under this subdivision. Such order shall take effect on the first day of the first month after receipt of such application, except that where the aggregate disposable income of all members of the household residing in the housing

accommodation is greater than five thousand dollars per year but does not exceed [twenty] twenty-four thousand dollars per year pursuant to subparagraph (ii) of paragraph two of subdivision m of this section on orders issued on applications received before July first, nineteen hundred seventy-five, the effective date of such order shall be the later of (1) June thirtieth, nineteen hundred seventy-four or (2) the last day of the month in which a person becomes an eligible head of household in the housing accommodation in which such person resides at the time of filing the most recent application for a rent exemption order; and further, except that where any other application has been received within ninety days of the issuance of the order increasing the tenant's maximum rent pursuant to paragraph three, four or six of subdivision (a) of this section, or subparagraph (a), (b), (c), or (l) of paragraph (1) of subdivision (g) of this section or pursuant to court order, whichever is later, the rent exemption order shall without further order take effect as of the effective date of said order increasing the tenant's rent including any retroactive increments collectible pursuant to such orders.

§3. Subparagraph (ii) of paragraph (2) of subdivision b of section 26-509 of such code, as amended by local law number 1 for the year 1996, is amended to read as follows:

(ii) the aggregate disposable income (as defined by regulation of the department for the aging) of all members of the household residing in the housing accommodation does not exceed [twenty] twenty-four thousand dollars per year, after deduction of federal, state and city income and social security taxes. For purposes of this subdivision, "aggregate disposable income" shall not include increases in benefits accorded pursuant to the social security act which take effect after the eligibility date of a head of the household receiving benefits under this section whether received by the head of the household or any other member of the household.

§4. Subdivision d of section 26-601 of such code, as amended by local law number 1 for the year 1996, 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 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, does not exceed [twenty] twenty-four thousand dollars for the taxable period.

§5. This local law shall take effect immediately, and shall be retroactive to and shall be deemed to have been in full force and effect on and after September 1, 2003. Notwithstanding any other provision of the administrative code of the city of New York, any person who on or after September 1, 2003 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 twenty thousand 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-four thousand dollars is eligible for such order on or after September 1, 2003 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 September 1, 2003 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 twenty thousand dollars in effect before the enactment of this local law.

CAB  
8/27/03, 10:53 a.m.  
LS #3030