

STATE OF NEW YORK

8348

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

Introduced by M. of A. LEVENBERG -- read once and referred to the
Committee on Ways and Means

AN ACT to amend the tax law, in relation to authorizing the village of
Croton-on-Hudson to impose a hotel and motel tax; and providing for
the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The tax law is amended by adding a new section 1202-zz-2 to
2 read as follows:

3 § 1202-zz-2. Hotel or motel taxes in the village of Croton-on-Hudson.
4 (1) Notwithstanding any other provisions of law to the contrary, the
5 village of Croton-on-Hudson, in the county of Westchester, is hereby
6 authorized and empowered to adopt and amend local laws imposing in such
7 village a tax, in addition to any other tax authorized and imposed
8 pursuant to this article such as the legislature has or would have the
9 power and authority to impose upon persons occupying hotel or motel
10 rooms in such village. For the purposes of this section the term
11 "hotel" or "motel" shall mean any facility or portion thereof where
12 single rooms or suites of rooms are rented or hired out to be occupied
13 or which are occupied by transient guests who are lodged overnight, with
14 or without meals, for sleeping purposes for compensation, whether the
15 compensation be paid directly or indirectly and shall include those
16 facilities designated and commonly known as "bed and breakfast" and
17 "tourist" facilities. The rates of such tax shall not exceed three
18 percent of the per diem rental rate for each room, provided however,
19 that such tax shall not be applicable to a permanent resident of a hotel
20 or motel. For the purposes of this section the term "permanent resident"
21 shall mean a person occupying any room or rooms in a hotel or motel for
22 at least ninety consecutive days.

23 (2) Such tax may be collected and administered by the chief fiscal
24 officer of the village of Croton-on-Hudson by such means and in such

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 manner as other taxes which are now collected and administered by such
2 officer or as otherwise may be provided by such local law.

3 (3) Such local laws may provide that any tax imposed shall be paid by
4 the person liable therefor to the owner of the hotel or motel room occu-
5 pied or to the person entitled to be paid the rent or charge for the
6 hotel or motel room occupied for and on account of the village of
7 Croton-on-Hudson imposing the tax and that such owner or person entitled
8 to be paid the rent or charge shall be liable for the collection and
9 payment of the tax; and that such owner or person entitled to be paid
10 the rent or charge shall have the same right in respect to collecting
11 the tax from the person occupying the hotel or motel room, or in respect
12 to nonpayment of the tax by the person occupying the hotel or motel
13 room, as if the tax were a part of the rent or charge and payable at the
14 same time as the rent or charge; provided, however, that the chief
15 fiscal officer of the village, specified in such local law, shall be
16 joined as a party in any action or proceeding brought to collect the tax
17 by the owner or by the person entitled to be paid the rent or charge.

18 (4) Such local laws may provide for the filing of returns and the
19 payment of the tax on a monthly basis or on the basis of any longer or
20 shorter period of time.

21 (5) This section shall not authorize the imposition of such tax upon
22 any transaction, by or with any of the following in accordance with
23 section twelve hundred thirty of this article:

24 a. The state of New York, or any public corporation (including a
25 public corporation created pursuant to agreement or compact with another
26 state or the Dominion of Canada), improvement district or other poli-
27 tical subdivision of the state;

28 b. The United States of America, insofar as it is immune from taxa-
29 tion;

30 c. Any corporation or association, or trust, or community chest, fund
31 or foundation organized and operated exclusively for religious, charita-
32 ble or educational purposes, or for the prevention of cruelty to chil-
33 dren or animals, and no part of the net earnings of which inures to the
34 benefit of any private shareholder or individual and no substantial part
35 of the activities of which is carrying on propaganda, or otherwise
36 attempting to influence legislation; provided, however, that nothing in
37 this paragraph shall include an organization operated for the primary
38 purpose of carrying on a trade or business for profit, whether or not
39 all of its profits are payable to one or more organizations described in
40 this paragraph.

41 (6) Any final determination of the amount of any tax payable hereunder
42 shall be reviewable for error, illegality or unconstitutionality or any
43 other reason whatsoever by a proceeding under article seventy-eight of
44 the civil practice law and rules if application therefor is made to the
45 supreme court within thirty days after the giving of the notice of such
46 final determination, provided, however, that any such proceeding under
47 article seventy-eight of the civil practice law and rules shall not be
48 instituted unless:

49 a. The amount of any tax sought to be reviewed, with such interest and
50 penalties thereon as may be provided for by local law shall be first
51 deposited and there is filed an undertaking, issued by a surety company
52 authorized to transact business in this state and approved by the super-
53 intendent of financial services of this state as to solvency and respon-
54 sibility, in such amount as a justice of the supreme court shall approve
55 to the effect that if such proceeding be dismissed or the tax confirmed

1 the petitioner will pay all costs and charges which may accrue in the
2 prosecution of such proceeding; or

3 b. At the option of the petitioner such undertaking may be in a sum
4 sufficient to cover the taxes, interests and penalties stated in such
5 determination plus the costs and charges which may accrue against it in
6 the prosecution of the proceeding, in which event the petitioner shall
7 not be required to pay such taxes, interest or penalties as a condition
8 precedent to the application.

9 (7) Where any tax imposed hereunder shall have been erroneously, ille-
10 gally or unconstitutionally collected and application for the refund
11 thereof duly made to the proper fiscal officer or officers, and such
12 officer or officers shall have made a determination denying such refund,
13 such determination shall be reviewable by a proceeding under article
14 seventy-eight of the civil practice law and rules, provided, however,
15 that such proceeding is instituted within thirty days after the giving
16 of the notice of such denial, that a final determination of tax due was
17 not previously made, and that an undertaking is filed with the proper
18 fiscal officer or officers in such amount and with such sureties as a
19 justice of the supreme court shall approve to the effect that if such
20 proceeding be dismissed or the tax confirmed, the petitioner will pay
21 all costs and charges which may accrue in the prosecution of such
22 proceeding.

23 (8) Except in the case of a willfully false or fraudulent return with
24 intent to evade the tax, no assessment of additional tax shall be made
25 after the expiration of more than three years from the date of the
26 filing of a return, provided, however, that where no return has been
27 filed as provided by law the tax may be assessed at any time.

28 (9) All revenues resulting from the imposition of the tax under the
29 local laws shall be paid into the treasury of the village of Croton-on-
30 Hudson and shall be credited to and deposited in the general fund of the
31 village. Such revenues may be used for any lawful purpose.

32 (10) If any provision of this section or the application thereof to
33 any person or circumstance shall be held invalid, the remainder of this
34 section and the application of such provision to other persons or
35 circumstances shall not be affected thereby.

36 § 2. This act shall take effect immediately and shall expire and be
37 deemed repealed 2 years after such date.