

1815

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 12, 2011

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Introduced by M. of A. JEFFRIES, CLARK, KELLNER, MARKEY, GLICK, GIBSON,  
HOOPER, COOK -- Multi-Sponsored by -- M. of A. BOYLAND, MAYERSOHN --  
read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to prohibiting  
landlords convicted of housing violations from claiming exemptions,  
credits or itemized deductions related to such rental property on  
state tax returns

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The real property tax law is amended by adding a new  
2     section 496 to read as follows:  
3     S 496. HOUSING VIOLATIONS; NO EXEMPTIONS, CREDITS OR DEDUCTIONS.     1.  
4     NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW OR REGULATION, ANY RESI-  
5     DENT OR NON-RESIDENT PROPERTY OWNER WHO HAS BEEN CONVICTED MORE THAN  
6     TWICE FOR HOUSING VIOLATIONS ON RENTAL PROPERTY OWNED IN THIS STATE  
7     SHALL BE PROHIBITED FROM CLAIMING ON HIS OR HER STATE TAX RETURN ANY  
8     EXEMPTION, CREDIT OR DEDUCTION RELATED TO SUCH RENTAL PROPERTY UNTIL  
9     SUCH VIOLATIONS HAVE BEEN REMEDIATED. FAILURE TO COMPLY WITH THE  
10    PROVISIONS OF THIS SECTION SHALL SUBJECT ANY UNDERPAYMENT OF TAX TO THE  
11    PENALTIES PURSUANT TO SUBSECTION (E) OF SECTION SIX HUNDRED EIGHTY-FIVE  
12    OF THE TAX LAW.  
13    2. UPON THE CONVICTION OF A LANDLORD FOR ANY HOUSING VIOLATION IN A  
14    COURT OF COMPETENT JURISDICTION, SUCH COURT SHALL ISSUE TO SUCH LANDLORD  
15    A FORM PURSUANT TO REGULATIONS OF THE COMMISSIONER OF TAXATION AND  
16    FINANCE IDENTIFYING SUCH CONVICTION, ANY PRIOR CONVICTIONS, AND THE  
17    PROHIBITIONS OF SUBDIVISION ONE OF THIS SECTION. SUCH FORM SHALL BE  
18    FILED WITH EACH STATE TAX RETURN OF SUCH CONVICTED LANDLORD UNTIL SUCH  
19    VIOLATIONS HAVE BEEN REMEDIATED AND CERTIFIED PURSUANT TO THE PROVISIONS  
20    OF SUBDIVISION THREE OF THIS SECTION.  
21    3.(A) UPON DECLARATION BY A COURT OF COMPETENT JURISDICTION THAT HOUS-  
22    ING VIOLATIONS FOR WHICH A CONVICTION HAD PREVIOUSLY BEEN ENTERED

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

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1 AGAINST A LANDLORD HAVE BEEN REMEDIATED, SUCH COURT SHALL ISSUE TO SUCH  
2 LANDLORD A FORM PURSUANT TO REGULATIONS OF THE COMMISSIONER OF TAXATION  
3 AND FINANCE CERTIFYING SUCH REMEDIATION. SUCH FORM SHALL BE FILED WITH  
4 THE NEXT STATE TAX RETURN OF SUCH LANDLORD.

5 (B) REVISED TAX RETURNS SHALL NOT BE ACCEPTED FOR THAT PORTION OF  
6 INCOME RELATING TO RENTAL PROPERTY SUBJECT TO THE PROHIBITIONS OF SUBDI-  
7 VISION ONE OF THIS SECTION.

8 S 2. This act shall take effect on the one hundred eightieth day after  
9 it shall have become a law; provided, however, that effective immediate-  
10 ly, the addition, amendment and/or repeal of any rule or regulation  
11 necessary for the implementation of this act on its effective date are  
12 authorized and directed to be made and completed on or before such  
13 effective date.