S T A T E O F N E W Y O R K

7941

I N S E N A T E

September 29, 2014

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the real property tax law, in relation to imposing an additional tax on certain non-primary residence class one and class two properties in a city with a population of one million or more

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

Section 1. The real property tax law is amended by adding a new section 307-b to read as follows:

S 307-B. ADDITIONAL TAX ON CERTAIN NON-PRIMARY RESIDENCE PROPERTIES IN A CITY WITH A POPULATION OF ONE MILLION OR MORE. 1. GENERALLY. NOTWITHSTANDING ANY PROVISION OF ANY GENERAL, SPECIFIC OR LOCAL LAW TO THE CONTRARY, ANY CITY WITH A POPULATION OF ONE MILLION OR MORE IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS IN ACCORDANCE WITH THIS SECTION IMPOSING AN ADDITIONAL TAX ON CERTAIN RESIDENTIAL PROPERTIES.

2. DEFINITIONS. AS USED IN THIS SECTION: (A) "COMMISSIONER OF FINANCE" MEANS THE COMMISSIONER OF FINANCE OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE, OR HIS OR HER DESIGNEE.

(B) "DEPARTMENT OF FINANCE" MEANS THE DEPARTMENT OF FINANCE OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

(C) "MARKET VALUE" SHALL MEAN THE CURRENT MONETARY VALUE OF THE PROPERTY, USING A COMPARABLE SALE-BASED VALUATION METHOD, AS DETERMINED BY THE DEPARTMENT OF FINANCE.

3. ADDITIONAL TAX. A LOCAL LAW ENACTED PURSUANT TO THIS SECTION MAY PROVIDE FOR A REAL PROPERTY TAX IN ACCORDANCE WITH THE FOLLOWING TABLE FOR FISCAL YEARS BEGINNING ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN:

IF THE MARKET VALUE OF THE PROPERTY IS:	THE TAX IS:
OVER $5,000,000 BUT NOT OVER $6,000,000	$0 PLUS .5% OF EXCESS OVER $5,000,000
OVER $6,000,000 BUT NOT OVER $10,000,000	$5,000 PLUS 1% OF EXCESS OVER $6,000,000

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

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OVER $10,000,000 BUT NOT OVER $15,000,000	$45,000 PLUS 1.5% OF EXCESS OVER $10,000,000
OVER $15,000,000 BUT NOT OVER $20,000,000	$120,000 PLUS 2% OF EXCESS OVER $15,000,000
OVER $20,000,000 BUT NOT OVER $25,000,000	$220,000 PLUS 3% OF EXCESS OVER $20,000,000
OVER $25,000,000	$370,000 PLUS 4% OF EXCESS OVER $25,000,000

4. PROPERTY SUBJECT TO ADDITIONAL TAX. SUCH TAX SHALL BE IMPOSED ON CLASS ONE PROPERTIES, AS THAT TERM IS DEFINED IN SECTION EIGHTEEN HUNDRED TWO OF THIS CHAPTER, EXCLUDING VACANT LAND, AND ALL OTHER RESIDENTIAL REAL PROPERTY HELD IN CONDOMINIUM OR COOPERATIVE FORM OF OWNERSHIP, THAT HAS A MARKET VALUE OF FIVE MILLION DOLLARS OR HIGHER AND IS NOT THE PRIMARY RESIDENCE OF THE OWNER OR OWNERS OF SUCH PROPERTY, OR THE PRIMARY RESIDENCE OF THE PARENT OR CHILD OF SUCH OWNER OR OWNERS.

5. PRIMARY RESIDENCE AND/OR RELATIONSHIP TO OWNER OR OWNERS. THE PROPERTY SHALL BE DEEMED TO BE THE PRIMARY RESIDENCE OF THE OWNER OR OWNERS THEREOF, IF SUCH PROPERTY WOULD BE ELIGIBLE TO RECEIVE THE REAL PROPERTY TAX EXEMPTION PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER, REGARDLESS OF WHETHER SUCH OWNER OR OWNERS HAVE FILED AN APPLICATION FOR, OR THE PROPERTY IS CURRENTLY RECEIVING SUCH EXEMPTION. PROOF OF PRIMARY RESIDENCE AND THE RESIDENT'S OR RESIDENTS' RELATIONSHIP TO THE OWNER OR OWNERS SHALL BE IN THE FORM OF A CERTIFICATION AS REQUIRED BY LOCAL LAW OR THE RULES OF THE COMMISSIONER.

6. RULES. THE DEPARTMENT OF FINANCE OF ANY CITY ENACTING A LOCAL LAW PURSUANT TO THIS SECTION SHALL HAVE, IN ADDITION TO ANY OTHER FUNCTIONS, POWERS AND DUTIES WHICH HAVE BEEN OR MAY BE CONFERRED ON IT BY LAW, THE POWER TO MAKE AND PROMULGATE RULES TO CARRY OUT THE PURPOSES OF THIS SECTION INCLUDING, BUT NOT LIMITED TO, RULES RELATING THE TIMING, FORM AND MANNER OF ANY CERTIFICATION REQUIRED TO BE SUBMITTED UNDER THIS SECTION.

7. PENALTIES. (A) NOTWITHSTANDING ANY PROVISION OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, AN OWNER OR OWNERS SHALL BE PERSONALLY LIABLE FOR ANY TAXES OWED PURSUANT TO THIS SECTION WHENEVER SUCH OWNER OR OWNERS FAIL TO COMPLY WITH THIS SECTION OR THE LOCAL LAW OR RULES PROMULGATED THEREUNDER, OR MAKES SUCH FALSE OR MISLEADING STATEMENT OR OMISSION AND THE COMMISSIONER DETERMINES THAT SUCH ACT WAS DUE TO THE OWNER OR OWNERS' WILLFUL NEGLECT, OR THAT UNDER SUCH CIRCUMSTANCES SUCH ACT CONSTITUTED A FRAUD ON THE DEPARTMENT. THE REMEDY PROVIDED HEREIN FOR AN ACTION IN PERSONAM SHALL BE IN ADDITION TO ANY OTHER REMEDY OR PROCEDURE FOR THE ENFORCEMENT OF COLLECTION OF DELINQUENT TAXES PROVIDED BY ANY GENERAL, SPECIAL OR LOCAL LAW.

(B) IF THE COMMISSIONER SHOULD DETERMINE, WITHIN THREE YEARS FROM THE FILING OF AN APPLICATION OR CERTIFICATION PURSUANT TO THIS SECTION, THAT THERE WAS A MATERIAL MISSTATEMENT ON SUCH APPLICATION OR CERTIFICATION, HE OR SHE SHALL PROCEED TO IMPOSE A PENALTY TAX AGAINST THE PROPERTY OF TEN THOUSAND DOLLARS, IN ACCORDANCE WITH THE LOCAL LAW OR RULES PROMULGATED HEREUNDER.

8. CESSATION OF USE. IN THE EVENT THAT A PROPERTY GRANTED AN EXEMPTION FROM TAXATION PURSUANT TO THIS SECTION CEASES TO BE USED AS THE PRIMARY RESIDENCE OF SUCH OWNER OR OWNERS OR HIS, HER OR THEIR PARENT OR CHILD, SUCH OWNER OR OWNERS SHALL SO NOTIFY THE COMMISSIONER OF FINANCE IN A TIME, FORM AND MANNER AS SO REQUIRED BY LOCAL LAW OR THE RULES OF THE COMMISSIONER.

S 2. This act shall take effect immediately.