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

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I N A S S E M B L Y

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Introduced by M. of A. WRIGHT, TITUS, STEVENSON, ROBERTS, CASTRO, CRESPO, AUBRY, BARRON, TITONE, CLARK, BOYLAND, COOK -- Multi-Sponsored by -- M. of A. FARRELL, GIBSON, GLICK, GOODELL, HOOPER, ROBINSON -- read once and referred to the Committee on Ways and Means

AN ACT to amend the social services law and the tax law, in relation to establishing a hospitality gift fund for the homeless

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

Section 1. The social services law is amended by adding a new article 10-E to read as follows:

ARTICLE 10-E

HOSPITALITY GIFT FUND FOR THE HOMELESS

SECTION 483-FF. HOSPITALITY GIFT FUND FOR THE HOMELESS.

S 483-FF. HOSPITALITY GIFT FUND FOR THE HOMELESS. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE IN THE STATE TREASURY A SPECIAL FUND, TO BE KNOWN AS THE HOSPITALITY GIFT FUND FOR THE HOMELESS, WHICH SHALL CONSIST OF AND INTO WHICH SHALL BE PAID ALL MONEYS DERIVED FROM VOLUNTARY HOTEL UNIT FEES COLLECTED BY CERTAIN REGISTERED HOTEL OPERATORS SPECIFIED IN SECTION ELEVEN HUNDRED FIVE-D OF THE TAX LAW, AND SUCH OTHER MONEYS AS MAY BE PAID INTO SAID FUND FROM ANY SOURCE PURSUANT TO LAW. THE MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY FOR GRANTS TO AND CONTRACTS WITH NOT-FOR-PROFIT TAX-EXEMPT ENTITIES FOR THE PURPOSE OF DELIVERING SERVICES TO THE HOMELESS AND THOSE AT RISK OF BECOMING HOMELESS. UPON APPROPRIATION BY THE LEGISLATURE, THE DEPARTMENT MAY MAKE SUCH MONEYS OR ANY PORTION THEREOF AVAILABLE PURSUANT TO A REQUEST FOR PROPOSALS ISSUED AT LEAST ONCE EVERY TWO YEARS. ALL PAYMENTS FROM SUCH FUND SHALL BE MADE BY THE DEPARTMENT OF TAXATION AND FINANCE AFTER AUDIT BY AND UPON WARRANT OF THE COMPTROLLER, ON VOUCHERS APPROVED BY THE COMMISSIONER.

2. THE COMMISSIONER IS AUTHORIZED TO ACCEPT, IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK, ANY GIFT OR BEQUEST OF MONEYS TO BE PAID INTO

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

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SUCH HOSPITALITY GIFT FUND FOR THE HOMELESS AND TO BE EXPENDED AND DISBURSED AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION.

3. GIFTS OR BEQUESTS FROM PRIVATE INDIVIDUALS, CORPORATIONS, OR FOUNDATIONS DEPOSITED IN THE HOSPITALITY GIFT FUND FOR THE HOMELESS MAY BE INVESTED BY THE COMPTROLLER PURSUANT TO THE PROVISIONS OF SECTION NINETY-EIGHT-A OF THE STATE FINANCE LAW. ANY INCOME FROM SUCH INVESTMENTS SHALL BE DEPOSITED TO THE CREDIT OF THE HOSPITALITY GIFT FUND FOR THE HOMELESS.

4. FUNDS AWARDED TO NOT-FOR-PROFIT TAX EXEMPT ENTITIES PURSUANT TO THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE USED TO SUPPLEMENT AND NOT TO SUPPLANT OTHER FEDERAL, STATE OR LOCAL FUNDS.

5. NO LESS THAN EIGHTY-FIVE PERCENT OF THE TOTAL MONEYS APPROPRIATED BY THE LEGISLATURE FOR THE HOSPITALITY GIFT FUND FOR THE HOMELESS SHALL BE ALLOCATED THROUGH EXECUTED GRANTS AND CONTRACTS WITH NOT-FOR-PROFIT TAX-EXEMPT ENTITIES WITHIN ANY FISCAL YEAR.

6. ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND FIFTEEN AND ON OR BEFORE FEBRUARY FIRST OF EACH YEAR THEREAFTER IN WHICH CONTRACTS UNDER THIS ARTICLE ARE IN FORCE, THE COMMISSIONER SHALL SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A REPORT DETAILING PROGRESS AND EVALUATING RESULTS, TO DATE, OF THE PROGRAM, INCLUDING THE AMOUNTS DEPOSITED INTO THE HOSPITALITY GIFT FUND FOR THE HOMELESS FROM VOLUNTARY HOTEL UNIT FEES AND ANY OTHER SOURCES. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO A REVIEW OF THE BASIS FOR SELECTION OF ELIGIBLE APPLICANTS; THE NUMBER OF PERSONS SERVED; A REVIEW OF THE SERVICES PROVIDED TO PREVENT HOMELESSNESS, PROVIDE IMMEDIATE ASSISTANCE TO HOMELESS FAMILIES AND INDIVIDUALS AND TO HELP HOMELESS HOUSEHOLDS MOVE INTO AND REMAIN IN PERMANENT HOUSING, INCLUDING A LIST OF THE NUMBER OF PERSONS AND FAMILIES, BY PROJECT, WHO RECEIVED SERVICES; AN IDENTIFICATION OF THE ESTIMATED SAVINGS OF THE PROGRAM TO THE STATE AND LOCALITIES; AND AN EVALUATION OF THE CONTINUING NEED FOR THE VARIOUS SERVICES FUNDED THROUGH THE HOSPITALITY GIFT FUND FOR THE HOMELESS.

S 2. The tax law is amended by adding a new section 1105-D to read as follows:

S 1105-D. VOLUNTARY HOTEL UNIT FEE. (A) COLLECTION. IN ADDITION TO ANY FEE OR TAX IMPOSED BY THIS ARTICLE OR ANY OTHER LAW, ON AND AFTER OCTOBER FIRST, TWO THOUSAND THIRTEEN, THERE IS HEREBY ESTABLISHED A VOLUNTARY HOTEL UNIT FEE ON EVERY OCCUPANCY OF A UNIT IN A HOTEL AT THE RATE OF TWO DOLLARS PER UNIT PER DAY, EXCEPT THAT SUCH UNIT FEE SHALL NOT BE ESTABLISHED UPON:

(1) OCCUPANCY BY A PERMANENT RESIDENT; OR

(2) WHERE THE RENT PER UNIT IS NOT MORE THAN AT THE RATE OF TWO DOLLARS PER DAY; OR

(3) WHERE A HOTEL OPERATOR FAILS TO REGISTER WITH THE COMMISSIONER AS A UNIT FEE COLLECTION AGENT; OR

(4) WHERE A HOTEL OCCUPANT FAILS TO AUTHORIZE PAYMENT OF THE UNIT FEE IN WRITING.

(B) ADMINISTRATION. THE UNIT FEE ESTABLISHED BY THIS SECTION SHALL BE ADMINISTERED AND COLLECTED IN A LIKE MANNER AS THE TAX IMPOSED BY SUBDIVISION (E) OF SECTION ELEVEN HUNDRED FIVE OF THIS PART.

(C) DEPOSIT AND DISPOSITION OF REVENUE. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE FEES ESTABLISHED BY THIS SECTION AND RECEIVED BY THE COMMISSIONER, AFTER DEDUCTING THE AMOUNT WHICH THE COMMISSIONER SHALL DETERMINE TO BE NECESSARY FOR REASONABLE COSTS TO ADMINISTER, COLLECT AND DISTRIBUTE SUCH FEES, SHALL BE DEPOSITED DAILY WITH SUCH RESPONSIBLE BANKS, BANKING HOUSES OR TRUST COMPANIES, AS MAY

BE DESIGNATED BY THE COMPTROLLER, TO THE CREDIT OF THE COMPTROLLER, TO BE HELD IN TRUST FOR QUARTERLY DEPOSIT IN THE HOSPITALITY GIFT FUND FOR THE HOMELESS ESTABLISHED PURSUANT TO SECTION FOUR HUNDRED EIGHTY-THREE-FF OF THE SOCIAL SERVICES LAW.

(D) REGULATION. THE COMMISSIONER SHALL ESTABLISH BY REGULATION RULES FOR THE NOTIFICATION OF HOTEL OPERATORS AND HOTEL OCCUPANTS OF THE UNIT FEE AND REGISTRATION REQUIREMENT ESTABLISHED BY THIS SECTION, AND IS AUTHORIZED TO MAKE OR REPEAL ANY RULE OR REGULATION NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 3. This act shall take effect immediately.