

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:

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

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

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

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

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

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

| 21 IF THE MARKET VALUE OF THE | THE TAX IS: |
|-------------------------------|---------------------------|
| 22 PROPERTY IS: | |
| 23 OVER \$5,000,000 BUT NOT | \$0 PLUS .5% OF EXCESS |
| 24 OVER \$6,000,000 | OVER \$5,000,000 |
| 25 OVER \$6,000,000 | \$5,000 PLUS 1% OF EXCESS |
| 26 BUT NOT OVER \$10,000,000 | OVER \$6,000,000 |

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

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| | | |
|---|---------------------------|------------------------------|
| 1 | OVER \$10,000,000 BUT NOT | \$45,000 PLUS 1.5% OF EXCESS |
| 2 | OVER \$15,000,000 | OVER \$10,000,000 |
| 3 | OVER \$15,000,000 BUT NOT | \$120,000 PLUS 2% OF EXCESS |
| 4 | OVER \$20,000,000 | OVER \$15,000,000 |
| 5 | OVER \$20,000,000 BUT NOT | \$220,000 PLUS 3% OF EXCESS |
| 6 | OVER \$25,000,000 | OVER \$20,000,000 |
| 7 | OVER \$25,000,000 | \$370,000 PLUS 4% OF EXCESS |
| 8 | | OVER \$25,000,000 |

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

16 5. PRIMARY RESIDENCE AND/OR RELATIONSHIP TO OWNER OR OWNERS. THE PROP-
 17 erty shall be deemed to be the primary residence of the owner or owners
 18 thereof, if such property would be eligible to receive the real property
 19 tax exemption pursuant to section four hundred twenty-five of this chap-
 20 ter, regardless of whether such owner or owners have filed an applica-
 21 tion for, or the property is currently receiving such exemption. Proof
 22 of primary residence and the resident's or residents' relationship to
 23 the owner or owners shall be in the form of a certification as required
 24 by local law or the rules of the commissioner.

25 6. RULES. THE DEPARTMENT OF FINANCE OF ANY CITY ENACTING A LOCAL LAW
 26 pursuant to this section shall have, in addition to any other functions,
 27 powers and duties which have been or may be conferred on it by law, the
 28 power to make and promulgate rules to carry out the purposes of this
 29 section including, but not limited to, rules relating the timing, form
 30 and manner of any certification required to be submitted under this
 31 section.

32 7. PENALTIES. (A) NOTWITHSTANDING ANY PROVISION OF ANY GENERAL,
 33 SPECIAL OR LOCAL LAW TO THE CONTRARY, AN OWNER OR OWNERS SHALL BE
 34 PERSONALLY LIABLE FOR ANY TAXES OWED PURSUANT TO THIS SECTION WHENEVER
 35 SUCH OWNER OR OWNERS FAIL TO COMPLY WITH THIS SECTION OR THE LOCAL LAW
 36 OR RULES PROMULGATED THEREUNDER, OR MAKES SUCH FALSE OR MISLEADING
 37 STATEMENT OR OMISSION AND THE COMMISSIONER DETERMINES THAT SUCH ACT WAS
 38 DUE TO THE OWNER OR OWNERS' WILLFUL NEGLIGENCE, OR THAT UNDER SUCH CIRCUM-
 39 STANCES SUCH ACT CONSTITUTED A FRAUD ON THE DEPARTMENT. THE REMEDY
 40 PROVIDED HEREIN FOR AN ACTION IN PERSONAM SHALL BE IN ADDITION TO ANY
 41 OTHER REMEDY OR PROCEDURE FOR THE ENFORCEMENT OF COLLECTION OF DELIN-
 42 QUENT TAXES PROVIDED BY ANY GENERAL, SPECIAL OR LOCAL LAW.

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

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

55 S 2. This act shall take effect immediately.