

1053--A

2015-2016 Regular Sessions

I N S E N A T E

January 8, 2015

Introduced by Sens. HOYLMAN, ESPAILLAT, KENNEDY, KRUEGER, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

LBD01946-02-6

1 FOR FISCAL YEARS BEGINNING ON OR AFTER JULY FIRST, TWO THOUSAND SEVEN-  
2 TEEN:

3	IF THE MARKET VALUE OF THE	THE TAX IS:
4	PROPERTY IS:	
5	OVER \$5,000,000 BUT NOT	\$0 PLUS .5% OF EXCESS
6	OVER \$6,000,000	OVER \$5,000,000
7	OVER \$6,000,000	\$5,000 PLUS 1% OF EXCESS
8	BUT NOT OVER \$10,000,000	OVER \$6,000,000
9	OVER \$10,000,000 BUT NOT	\$45,000 PLUS 1.5% OF EXCESS
10	OVER \$15,000,000	OVER \$10,000,000
11	OVER \$15,000,000 BUT NOT	\$120,000 PLUS 2% OF EXCESS
12	OVER \$20,000,000	OVER \$15,000,000
13	OVER \$20,000,000 BUT NOT	\$220,000 PLUS 3% OF EXCESS
14	OVER \$25,000,000	OVER \$20,000,000
15	OVER \$25,000,000	\$370,000 PLUS 4% OF EXCESS
16		OVER \$25,000,000

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

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

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

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

51 (B) IF THE COMMISSIONER SHOULD DETERMINE, WITHIN THREE YEARS FROM THE  
52 FILING OF AN APPLICATION OR CERTIFICATION PURSUANT TO THIS SECTION, THAT  
53 THERE WAS A MATERIAL MISSTATEMENT ON SUCH APPLICATION OR CERTIFICATION,  
54 HE OR SHE SHALL PROCEED TO IMPOSE A PENALTY TAX AGAINST THE PROPERTY OF

1 TEN THOUSAND DOLLARS, IN ACCORDANCE WITH THE LOCAL LAW OR RULES PROMUL-  
2 GATED HEREUNDER.

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

9 S 2. This act shall take effect immediately.