

8088

I N S E N A T E

June 11, 2016

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

AN ACT to amend the administrative code of the city of New York, in relation to the taxation of the transfer of real property

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

1 Section 1. Subdivision b of section 11-2106 of the administrative code
2 of the city of New York is amended by adding a new paragraph 9 to read
3 as follows:
4 9. A DEED, INSTRUMENT OR TRANSACTION CONVEYING OR TRANSFERRING REAL
5 PROPERTY OR AN ECONOMIC INTEREST THEREIN BY OR TO ANY HOUSING DEVELOP-
6 MENT FUND COMPANY ORGANIZED PURSUANT TO ARTICLE ELEVEN OF THE PRIVATE
7 HOUSING FINANCE LAW OR TO AN ENTITY, THE CONTROLLING INTEREST OF WHICH
8 IS HELD BY SUCH A COMPANY, IF AT THE TIME OF SUCH CONVEYANCE OR TRANS-
9 FER, SUCH REAL PROPERTY IS SUBJECT TO, OR SIMULTANEOUSLY WITH SUCH
10 CONVEYANCE OR TRANSFER IS MADE SUBJECT TO, A REGULATORY AGREEMENT WITH
11 THE STATE OF NEW YORK, A MUNICIPAL CORPORATION OR ANY OTHER PUBLIC
12 CORPORATION CREATED BY OR PURSUANT TO ANY LAW OF THE STATE OF NEW YORK
13 THAT: ENCUMBERS THE REAL PROPERTY FOR THIRTY YEARS OR MORE, REQUIRES
14 MUTUAL CONSENT FOR REVOCATION OR AMENDMENT, RESTRICTS MORE THAN FIFTY
15 PERCENT OF THE FLOOR AREA, OTHER THAN COMMON AREAS, TO RESIDENTIAL REAL
16 PROPERTY, AND RESTRICTS AT LEAST SIXTY-SIX AND TWO-THIRDS PERCENT OF
17 SUCH RESIDENTIAL REAL PROPERTY TO PURCHASE, LEASE, LICENSE OR OTHER USE
18 BY PERSONS OF LOW INCOME AND FAMILIES OF LOW INCOME WITHIN THE MEANING
19 OF SECTION TWO OF THE PRIVATE HOUSING FINANCE LAW; PROVIDED, HOWEVER,
20 THAT IF SUCH REGULATORY AGREEMENT RESTRICTS LESS THAN ONE HUNDRED
21 PERCENT OF THE FLOOR AREA, OTHER THAN COMMON AREAS, TO PURCHASE, LEASE,
22 LICENSE OR OTHER USE BY PERSONS OF LOW INCOME AND FAMILIES OF LOW INCOME
23 WITHIN THE MEANING OF SECTION TWO OF THE PRIVATE HOUSING FINANCE LAW,
24 THE TAX SHALL APPLY TO THE CONSIDERATION LESS THE PRODUCT OF THE CONSID-
25 ERATION AND A FRACTION, THE NUMERATOR OF WHICH IS THE FLOOR AREA THAT
26 SUCH REGULATORY AGREEMENT RESTRICTS TO PURCHASE, LEASE, LICENSE OR OTHER
27 USE BY PERSONS OF LOW INCOME AND FAMILIES OF LOW INCOME WITHIN THE MEAN-
28 ING OF SECTION TWO OF THE PRIVATE HOUSING FINANCE LAW AND THE DENOMINA-

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

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1 TOR OF WHICH IS THE ENTIRE FLOOR AREA, MINUS THE FLOOR AREA OF COMMON
2 AREAS; PROVIDED FURTHER, THAT IF SUCH REAL PROPERTY IS MADE SUBJECT TO A
3 REGULATORY AGREEMENT THAT MEETS THE TERMS OF THIS PARAGRAPH WITHIN TWO
4 YEARS OF THE CONVEYANCE OR TRANSFER THEN THE COMMISSIONER OF FINANCE MAY
5 ISSUE A REFUND BASED ON THE APPLICATION OF THIS PARAGRAPH PURSUANT TO
6 THE PROVISIONS OF SECTION 11-2108 OF THIS CHAPTER, TREATING THE TRANSFER
7 OR CONVEYANCE AS IF SUCH REAL PROPERTY WERE SUBJECT TO SUCH REGULATORY
8 AGREEMENT AS OF THE DATE OF SUCH TRANSFER OR CONVEYANCE, IF, NOTWITH-
9 STANDING ANY OTHER TIME LIMITATION SET FORTH IN SECTION 11-2108 OF THIS
10 CHAPTER, APPLICATION TO THE COMMISSIONER OF FINANCE FOR SUCH REFUND IS
11 MADE WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF SUCH REGULATORY
12 AGREEMENT.

13 S 2. This act shall take effect immediately and shall be retroactive
14 to, and be deemed to apply to, all conveyances or transfers occurring on
15 or after January 1, 2010.