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

9838

I N A S S E M B L Y

April 14, 2016

Introduced by M. of A. GLICK, COOK, WALKER, SIMON -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to imposing a school impact tax on developers of non-senior housing developments

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

Section 1. Section 28-118.6 of the administrative code of the city of New York is amended by adding a new subdivision 15 to read as follows:

15. THE AMOUNT TO BE TAXED TO THE DEVELOPER OR DEVELOPERS OF NEW OR CONVERTED NON-SENIOR HOUSING UNDER THE SCHOOL IMPACT TAX PURSUANT TO SECTION 11-238.1 OF THIS CODE.

S 2. The administrative code of the city of New York is amended by adding a new section 11-238.1 to read as follows:

S 11-238.1 SCHOOL IMPACT TAX ON NON-SENIOR HOUSING DEVELOPMENTS. A. IMPOSITION OF TAX. A SCHOOL IMPACT TAX IS HEREBY IMPOSED ON ANY DEVELOPER OR DEVELOPERS OF NEW OR CONVERTED NON-SENIOR HOUSING ON A PER-UNIT BASIS, IN AN AMOUNT DETERMINED BY THE COMMISSIONER.

B. NOTICE OF TAX. ANY DEVELOPER OR DEVELOPERS OF NEW OR CONVERTED NON-SENIOR HOUSING SHALL BE NOTIFIED OF SUCH SCHOOL IMPACT TAX WHEN THEY RECEIVE THEIR CERTIFICATE OF OCCUPANCY PURSUANT TO SECTION 28-118.6 OF THIS CODE.

C. RULES. THE DEPARTMENT OF FINANCE 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 RELATED TO THE TIMING, FORM, MANNER AND DISTRIBUTION OF FUNDS COLLECTED PURSUANT TO THIS SECTION.

D. PURPOSE OF TAX. ALL FUNDS COLLECTED PURSUANT TO THIS SECTION SHALL BE SPECIFICALLY DESIGNATED FOR THE CONSTRUCTION OF NEW PUBLIC KINDERGARTEN THROUGH TWELFTH GRADE SCHOOLS.

E. PENALTIES. NOTWITHSTANDING ANY PROVISION OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, A DEVELOPER OR DEVELOPERS SHALL BE PERSONALLY RESPONSIBLE FOR ANY TAXES OWED PURSUANT TO THIS SECTION WHENEVER SUCH

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

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DEVELOPER OR DEVELOPERS FAIL TO COMPLY WITH THIS SECTION OR THE RULES PROMULGATED HEREUNDER, OR MAKE A FALSE OR MISLEADING STATEMENT OR OMISSION AND THE COMMISSIONER DETERMINES THAT SUCH ACT WAS DUE TO THE DEVELOPER OR DEVELOPERS' 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 GENERAL, SPECIAL OR LOCAL LAW.

S 3. This act shall take effect immediately.