

# STATE OF NEW YORK

11172

## IN ASSEMBLY

June 12, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weinstein)  
-- read once and referred to the Committee on Ways and Means

AN ACT to amend the public housing law, in relation to the authority of certain municipalities to levy an excise tax on the sale of tobacco products other than cigarettes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 94 of the public housing law, as amended by chapter  
2 540 of the laws of 1958, is amended to read as follows:

3 § 94. Authorization to make subsidies. A municipality is authorized  
4 to make or contract to make capital or periodic subsidies to an authori-  
5 ty operating within the territorial limits of such municipality, payable  
6 only with moneys locally appropriated therefor from the general or other  
7 funds available for current expenses of such municipality. Periodic  
8 subsidies shall not be contracted for a period longer than the life of  
9 the project assisted thereby, and in no event for more than fifty years.  
10 If the amount of any periodic subsidy shall be equal to or greater than  
11 the interest on and the amounts required annually for the payment of the  
12 indebtedness contracted by the authority on account of a project in any  
13 year, such contract shall constitute a guarantee of the principal of and  
14 the interest on such indebtedness, and such contract and the payments  
15 thereunder may be pledged by the authority as security in addition to  
16 all other security which the authority may give for such indebtedness.

17 A municipality may levy one or more of the taxes enumerated in section  
18 one hundred ten for the purpose of making municipal subsidies~~[, and~~  
19 ~~the]~~. The revenues resulting from the imposition of such tax or taxes,  
20 other than the taxes described in subdivision (e) of section one hundred  
21 ten of this chapter in a city having a population of one million or  
22 more, notwithstanding the provisions of any general, special or local  
23 law to the contrary, shall be deposited in the city treasury and credit-  
24 ed to a separate account. During each fiscal year of such municipality,  
25 an amount not in excess of the amount of the subsidies to be made by  
26 such municipality during such fiscal year shall be charged to such  
27 account and credited to the general fund for the reduction of taxation

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

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1 or into the general or other fund available for current expenses of such  
2 municipality. No other payment shall be charged to such account. The  
3 provisions of section one hundred eleven shall be applicable to any tax  
4 or taxes imposed pursuant to this section.

5 In a city having a population of one million or more, the revenues  
6 from the taxes described in subdivision (e) of section one hundred ten  
7 of this chapter shall be deposited in the general fund and a payment of  
8 an equal amount shall be made, in the same fiscal year or as soon as  
9 practicable thereafter, for the purposes described in such section.

10 § 2. Subdivision (e) of section 110 of the public housing law is  
11 amended to read as follows:

12 (e) (1) An excise tax on the sale of tobacco other than cigarettes  
13 sold for consumption within the territorial limits of such municipality.  
14 Such tax shall not be in excess of ten per centum of the purchase price  
15 of such tobacco. [~~Such~~] The local law imposing such tax may [~~further~~]  
16 provide that the amount of the tax shall be paid by the purchaser to the  
17 vendor and for and on account of the municipality, and the vendor shall  
18 be liable for the collection and the payment thereof[, and the] . The  
19 vendor shall have the same right in respect to collecting the tax from  
20 the purchaser or in respect to non-payment of the tax by the purchaser  
21 as if the tax were a part of the purchase price of the tobacco, and  
22 payable at the time of the sale.

23 (2) Any city having a population of one million or more imposing  
24 excise taxes on the sale of tobacco other than cigarettes pursuant to  
25 paragraph one of this subdivision is hereby authorized to adopt and  
26 amend local laws to administer, collect and enforce such taxes, includ-  
27 ing the issuance of tax warrants in a manner consistent with the issu-  
28 ance of warrants pursuant to chapter thirteen of title eleven of the  
29 administrative code of the city of New York. Such enforcement shall  
30 include but not be limited to the filing with the county clerk of a copy  
31 of such warrants, the entry in the judgment docket of the information  
32 specified in section 11-1314 of the administrative code of the city of  
33 New York, and the creation of a lien upon the title to and interest in  
34 real and personal property of the person against whom the warrant is  
35 issued.

36 § 3. Section 111 of the public housing law, as amended by chapter 310  
37 of the laws of 1962, is amended to read as follows:

38 § 111. Review. (a) Any such tax may be reviewed by a proceeding under  
39 article seventy-eight of the civil practice law and rules and any local  
40 law or ordinance imposing any such tax or taxes shall include provisions  
41 making such review available upon reasonable conditions including a  
42 requirement that application for review be made within thirty days after  
43 the determination of the amount of the tax or taxes, and that the amount  
44 of the tax or taxes, interest and penalties and security for costs, be  
45 first deposited.

46 (b) Any city having a population of one million or more is hereby  
47 authorized to adopt and amend local laws that provide for the review of  
48 any such tax in the same manner as the review of the tax on cigarettes  
49 imposed by such city, including the ability to seek conciliation  
50 concerning determinations of such tax as well as review of such tax in  
51 the agency or tribunal authorized to review the tax on cigarettes  
52 imposed by such city.

53 § 4. Section 112 of the public housing law, as added by chapter 905 of  
54 the laws of 1960, is amended to read as follows:

55 § 112. Disposition of proceeds of taxes. Notwithstanding the  
56 provisions of any general, special or local law to the contrary, reven-

ues heretofore or hereafter resulting from the imposition of taxes authorized by this article for either or both of the purposes referred to in section one hundred ten of this chapter, other than the taxes described in subdivision (e) of such section in a city having a population of one million or more, shall be deposited in the city or village treasury and credited to a separate account. During each fiscal year of such city or village, an amount not in excess of the amount included in the annual budget or estimate for such fiscal year for the purpose or purposes for which such taxes were levied shall be charged to such account and credited to the general fund for the reduction of taxation or into the general or other fund available for current expenses of such city or village. No other payment shall be made from such an account or accounts. In a city having a population of one million or more, the revenues from the taxes described in subdivision (e) of section one hundred ten of this chapter shall be deposited in the general fund and a payment of an equal amount shall be made, in the same fiscal year or as soon as practicable thereafter for the purposes described in such section.

§ 5. This act shall take effect immediately.