STATE OF NEW YORK

6416

2017-2018 Regular Sessions

IN SENATE

May 17, 2017

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to including short term rentals as taxable under Ulster county's hotel and motel taxes

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

Section 1. Subdivisions 1 and 2 of section 1202-l of the tax law, as added by chapter 221 of the laws of 1991, are amended to read as follows:

(1) Notwithstanding any other provision of law to the contrary, the county of Ulster is hereby authorized and empowered to adopt and amend local laws imposing in such county a tax, in addition to any other tax authorized and imposed pursuant to this article, such as the legislature has or would have the power and authority to impose upon persons occupying hotel or motel rooms in such county.

For the purposes of this section, the term "hotel" or "motel" shall mean and include any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

Additionally, for purposes of this section, the following terms shall have the following meanings:

a. "Short-term rental unit" means an entire dwelling unit, or a room, group of rooms, other living or sleeping space, or any other space, made available for rent by guests for less than thirty consecutive days.

b. "Short-term rental host" means an owner or tenant of a short-term rental unit who rents such unit to guests.

c. "Hosting platform" means a person or entity who, pursuant to an agreement with a short-term rental host:

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

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(i) provides a platform for compensation through which unaffiliated third party short-term rental hosts can offer to rent short-term rental units; and

(ii) collects a fee in connection with either:

(A) providing the forum in which, or by means of which, the offer of occupancy of a short-term rental unit is accepted; or

(B) providing the forum in which a short-term rental host can list or advertise space in a short-term rental unit.

The rates of such tax shall not exceed two per cent of the per diem rental rate for each room, provided, however, such tax shall not be applicable to a permanent resident of such hotel or motel. For the purposes of this section the term "permanent resident" shall mean a person occupying any room or rooms in a hotel or motel for at least ninety consecutive days.

(2) Such tax may be collected and administered by the county treasurer of the county of Ulster by such means and in such manner as other taxes which are now collected and administered by such officer or as otherwise may be provided by such local law. It is expressly recognized that Ulster county has the authority to permit the county agency that administers such taxes to enter into voluntary agreements with any person or third party, including but not limited to hosting platforms, to permit such person, third party, or platform to collect and remit such taxes on behalf of the party or parties required to collect and remit them under the applicable statutes. The voluntary agreement shall be evinced by a signed, written agreement between the county agency that administers such taxes and the person or third party assuming the obligation to collect and remit the taxes.

§ 2. This act shall take effect immediately.