STATE OF NEW YORK

9117

IN SENATE

June 20, 2018

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

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:

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

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

A municipality may levy one or more of the taxes enumerated in section one hundred ten for the purpose of making municipal subsidies[~~, and the~~]**. The** revenues resulting from the imposition of such tax or taxes, **other than the taxes described in subdivision (e) of section one hundred ten of this chapter in a city having a population of one million or more,** notwithstanding the provisions of any general, special or local law to the contrary, shall be deposited in the city treasury and credited to a separate account. During each fiscal year of such municipality, an amount not in excess of the amount of the subsidies to be made by such municipality during such fiscal year shall be charged to such 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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or into the general or other fund available for current expenses of such municipality. No other payment shall be charged to such account. The provisions of section one hundred eleven shall be applicable to any tax or taxes imposed pursuant to this section.

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.

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

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

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

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

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

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

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

§ 112. Disposition of proceeds of taxes. Notwithstanding the provisions of any general, special or local law to the contrary, revenues 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.