

# STATE OF NEW YORK

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6369

2019-2020 Regular Sessions

## IN ASSEMBLY

March 7, 2019

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Introduced by 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 Assem-  
bly, 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,

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

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1 an amount not in excess of the amount of the subsidies to be made by  
2 such municipality during such fiscal year shall be charged to such  
3 account and credited to the general fund for the reduction of taxation  
4 or into the general or other fund available for current expenses of such  
5 municipality. No other payment shall be charged to such account. The  
6 provisions of section one hundred eleven of this chapter shall be appli-  
7 cable to any tax or taxes imposed pursuant to this section.

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

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

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

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

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

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

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

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

3 § 112. Disposition of proceeds of taxes. Notwithstanding the  
4 provisions of any general, special or local law to the contrary, reven-  
5 ues heretofore or hereafter resulting from the imposition of taxes  
6 authorized by this article for either or both of the purposes referred  
7 to in section one hundred ten of this [~~chapter~~] article, other than the  
8 taxes described in subdivision (e) of such section in a city having a  
9 population of one million or more, shall be deposited in the city or  
10 village treasury and credited to a separate account. During each fiscal  
11 year of such city or village, an amount not in excess of the amount  
12 included in the annual budget or estimate for such fiscal year for the  
13 purpose or purposes for which such taxes were levied shall be charged to  
14 such account and credited to the general fund for the reduction of taxa-  
15 tion or into the general or other fund available for current expenses of  
16 such city or village. No other payment shall be made from such an  
17 account or accounts. In a city having a population of one million or  
18 more, the revenues from the taxes described in subdivision (e) of  
19 section one hundred ten of this article shall be deposited in the gener-  
20 al fund and a payment of an equal amount shall be made, in the same  
21 fiscal year or as soon as practicable thereafter for the purposes  
22 described in such section.

23 § 5. This act shall take effect immediately.