AN ACT to amend the real property tax law, in relation to imposing an additional tax on certain non-primary residence class one and class two properties in a city with a population of one million or more

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

Section 1. The real property tax law is amended by adding a new section 307-b to read as follows:

§ 307-b. Additional tax on certain non-primary residence properties in a city with a population of one million or more. 1. Generally. Notwithstanding any provision of any general, specific or local law to the contrary, any city with a population of one million or more is hereby authorized and empowered to adopt and amend local laws in accordance with this section imposing an additional tax on certain residential properties and dwelling units.

2. Definitions. As used in this section: (a) "Assessed value" means the determination made by the assessors of a city having a population of one million or more of the valuation of real property.

(b) "Assessed value attributable to a tenant-stockholder" means the proportion of the assessed value of real property owned by a cooperative apartment corporation, represented by a tenant-stockholder’s share or shares of stock in such corporation as determined by its or their

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.
proportional relationship to the total outstanding stock of the corpo-
ration, including that owned by the corporation.
(c) "Commissioner of finance" means the commissioner of finance of a
city having a population of one million or more, or his or her designee.
(d) "Department of finance" means the department of finance of a city
having a population of one million or more.
(e) "Five-year average market value" shall mean the average monetary
value of a property for the previous five years, using a comparable
sale-based valuation method, as determined by the department of finance.

3. Additional tax. (a) A local law enacted pursuant to this section
may provide for a tax as follows for fiscal years beginning on or after
July first, two thousand twenty-one:
(i) For one, two or three family residences with a five-year average
market value of five million dollars or higher, a tax of at least one-
half percent and no more than four percent on the excess market value
above five million dollars.
(ii) For residential real property held in the condominium form of
ownership with an assessed value of three hundred thousand dollars or
higher, a tax of at least ten percent and no more than thirteen and
one-half percent of the excess assessed value above three hundred thou-
sand dollars.
(iii) For dwelling units in a property held in the cooperative form of
ownership with an assessed value attributable to a tenant-stockholder of
three hundred thousand dollars or higher, a tax of at least ten percent
and no more than thirteen and one-half percent of the excess assessed
value above three hundred thousand dollars. The additional taxes attrib-
utable to each tenant-stockholder shall be added by the cooperative
apartment corporation to the amount of such taxes otherwise payable by
or chargeable to such tenant-stockholder.
(b) Subject to the limitations established in paragraph (a) of this
subdivision, any such local law may establish a graduated rate schedule
for imposing such tax, at rates and excess value thresholds as the local
legislative body determines appropriate.
(c) Except as otherwise provided in this section, such tax may be
imposed, administered, collected and enforced by the commissioner of
finance of such city by such means and in such manner as other taxes
that are now imposed, administered, collected and enforced by such
commissioner in accordance with the charter or administrative code of
any such city or as otherwise may be provided by any such local law.

4. Exemptions. (a) A local law enacted pursuant to this section shall
include an exemption from the additional tax imposed for residential
properties or dwelling units that are: (i) The primary residence of at
least one owner of the property or dwelling unit; (ii) The primary resi-
dence of a parent or child of at least one owner of the property or
dwelling unit; or (iii) Rented on a full-time basis to a tenant or
tenants for whom the property or dwelling unit is their primary resi-
dence.
(b) Proof that a residential property or dwelling unit is eligible for
an exemption provided in paragraph (a) of this subdivision shall be in
such form as required by local law or the rules of the commissioner of
finance.
(c) Any such local law may provide for exemptions from such tax in
addition to those specified in this subdivision.
(d) In the event that a property granted an exemption from taxation
pursuant to this section or local law ceases to be used in a manner
making the property eligible for such exemption, the owner or owners
shall so notify the commissioner of finance in a time, form and manner as so required by local law or the rules of the commissioner.

5. Rules. The department of finance of any city enacting a local law pursuant to this section shall have, in addition to any other functions, the power to make and promulgate rules to carry out the purposes of this section.

§ 2. This act shall take effect immediately.