STATE OF NEW YORK

44--B

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. HOYLMAN, BAILEY, BENJAMIN, BIAGGI, BROOKS, CARLUCCI, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, JACKSON, KAPLAN, KAVANAGH, KENNEDY, KRUEGER, LIU, MAY, METZGER, MYRIE, RAMOS, RIVERA, SALAZAR, SANDERS, SEPULVEDA, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, 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 thousand 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 attributable 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 residence of a parent or child of at least one owner of the property or dwelling unit; (iii) held in the condominium or cooperative form of ownership with an assessed value or assessed value attributable to a tenant-stockholder of three hundred thousand dollars or higher, where the owner has within the prior three years obtained an appraisal report certified by a state certified real estate appraiser or authenticated by a state licensed real estate appraiser, as those terms are defined in section one hundred sixty-a of the executive law, showing that the residential property or dwelling unit has an appraised value of less than five million dollars; or (iv) rented on a full-time basis to a tenant or tenants for whom the property or dwelling unit is their primary residence.

(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, powers and duties which have been or may be conferred on it by law, the power to make and promulgate rules to carry out the purposes of this section.

§ 2. This act shall take effect immediately.