

# STATE OF NEW YORK

10019

## IN ASSEMBLY

April 29, 2022

Introduced by M. of A. GANDOLFO -- read once and referred to the Committee on Local Governments

AN ACT to amend the tax law and the village law, in relation to authorizing the village of Saltaire, county of Suffolk, to impose a tax on real estate transfers; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The tax law is amended by adding a new article 31-H to read as follows:

### ARTICLE 31-H

#### TAX ON REAL ESTATE TRANSFERS IN THE VILLAGE OF SALTIRE

##### Section 1449-aaaaaa. Definitions.

1449-bbbbbb. Imposition of tax.

1449-cccccc. Payment of tax.

1449-dddddd. Liability for tax.

1449-eeeeee. Exemptions.

1449-ffffff. Credit.

1449-gggggg. Cooperative housing corporation transfers.

1449-hhhhhh. Designation of agents.

1449-iiiiii. Liability of recording officer.

1449-jjjjjj. Refunds.

1449-kkkkkk. Deposit and disposition of revenue.

1449-llllll. Judicial review.

1449-mmmmmm. Apportionment.

1449-nnnnnn. Miscellaneous.

1449-oooooo. Returns to be secret.

1449-pppppp. Foreclosure.

§ 1449-aaaaaa. Definitions. When used in this article, unless otherwise expressly stated:

1. "Person" means an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of

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

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1 individuals, and any other form of unincorporated enterprise owned or  
2 conducted by two or more persons.

3 2. "Controlling interest" means (a) in the case of a corporation,  
4 either fifty percent or more of the total combined voting power of all  
5 classes of stock of such corporation, or fifty percent or more of the  
6 capital, profits or beneficial interest in such voting stock of such  
7 corporation, and (b) in the case of a partnership, association, trust or  
8 other entity, fifty percent or more of the capital, profits or benefi-  
9 cial interest in such partnership, association, trust or other entity.

10 3. "Real property" means every estate or right, legal or equitable,  
11 present or future, vested or contingent, in lands, tenements or heredi-  
12 taments, including buildings, structures and other improvements thereon,  
13 which are located in whole or in part within the village of Saltaire, in  
14 the county of Suffolk. It shall not include rights to sepulture.

15 4. "Consideration" means the price actually paid or required to be  
16 paid for the real property or interest therein, including payment for an  
17 option or contract to purchase real property, whether or not expressed  
18 in the deed and whether paid or required to be paid by money, property,  
19 or any other thing of value. It shall include the cancellation or  
20 discharge of an indebtedness or obligation. It shall also include the  
21 amount of any mortgage, purchase money mortgage, lien or other encum-  
22 brance, whether or not the underlying indebtedness is assumed or taken  
23 subject to.

24 (a) In the case of a creation of a leasehold interest or the granting  
25 of an option with use and occupancy of real property, consideration  
26 shall include, but not be limited to, the value of the rental and other  
27 payments attributable to the use and occupancy of the real property or  
28 interest therein, the value of any amount paid for an option to purchase  
29 or renew and the value of rental or other payments attributable to the  
30 exercise of any option to renew.

31 (b) In the case of a creation of a subleasehold interest, consider-  
32 ation shall include, but not be limited to, the value of the sublease  
33 rental payments attributable to the use and occupancy of the real prop-  
34 erty, the value of any amount paid for an option to renew and the value  
35 of rental or other payments attributable to the exercise of any option  
36 to renew less the value of the remaining prime lease rental payments  
37 required to be made.

38 (c) In the case of a controlling interest in any entity that owns real  
39 property, consideration shall mean the fair market value of the real  
40 property or interest therein, apportioned based on the percentage of the  
41 ownership interest transferred or acquired in the entity.

42 (d) In the case of an assignment or surrender of a leasehold interest  
43 or the assignment or surrender of an option or contract to purchase real  
44 property, consideration shall not include the value of the remaining  
45 rental payments required to be made pursuant to the terms of such lease  
46 or the amount to be paid for the real property pursuant to the terms of  
47 the option or contract being assigned or surrendered.

48 (e) In the case of (1) the original conveyance of shares of stock in a  
49 cooperative housing corporation in connection with the grant or transfer  
50 of a proprietary leasehold by the cooperative corporation or cooperative  
51 plan sponsor and (2) the subsequent conveyance by the owner thereof of  
52 such stock in a cooperative housing corporation in connection with the  
53 grant or transfer of a proprietary leasehold for a cooperative unit  
54 other than an individual residential unit, consideration shall include a  
55 proportionate share of the unpaid principal of any mortgage on the real  
56 property of the cooperative housing corporation comprising the cooper-

1 ative dwelling or dwellings. Such share shall be determined by multiply-  
2 ing the total unpaid principal of the mortgage by a fraction, the numer-  
3 ator of which shall be the number of shares of stock being conveyed in  
4 the cooperative housing corporation in connection with the grant or  
5 transfer of a proprietary leasehold and the denominator of which shall  
6 be the total number of shares of stock in the cooperative housing corpo-  
7 ration.

8 5. "Conveyance" means the transfer or transfers of any interest in  
9 real property by any method, including but not limited to, sale,  
10 exchange, assignment, surrender, mortgage foreclosure, transfer in lieu  
11 of foreclosure, option, trust indenture, taking by eminent domain,  
12 conveyance upon liquidation or by a receiver, or transfer or acquisition  
13 of a controlling interest in any entity with an interest in real proper-  
14 ty. Transfer of an interest in real property shall include the creation  
15 of a leasehold or sublease only where (a) the sum of the term of the  
16 lease or sublease and any options for renewal exceeds forty-nine years,  
17 (b) substantial capital improvements are or may be made by or for the  
18 benefit of the lessee or sublessee, and (c) the lease or sublease is for  
19 substantially all of the premises constituting the real property.  
20 Notwithstanding the foregoing, conveyance of real property shall not  
21 include the creation, modification, extension, spreading, severance,  
22 consolidation, assignment, transfer, release or satisfaction of a mort-  
23 gage; a mortgage subordination agreement, a mortgage severance agree-  
24 ment, an instrument given to perfect or correct a recorded mortgage; or  
25 a release of lien of tax pursuant to this chapter or the internal reven-  
26 ue code.

27 6. "Interest in the real property" includes title in fee, a leasehold  
28 interest, a beneficial interest, an encumbrance, development rights, air  
29 space and air rights, or any other interest with the right to use or  
30 occupancy of real property or the right to receive rents, profits or  
31 other income derived from real property. It shall also include an option  
32 or contract to purchase real property. It shall not include a right of  
33 first refusal to purchase real property.

34 7. "Grantor" means the person making the conveyance of real property  
35 or interest therein. Where the conveyance consists of a transfer or an  
36 acquisition of a controlling interest in an entity with an interest in  
37 real property, "grantor" means the entity with an interest in real prop-  
38 erty or a shareholder or partner transferring stock or partnership  
39 interest.

40 8. "Grantee" means the person who obtains real property or interest  
41 therein as a result of a conveyance.

42 9. "Recording officer" means the village clerk of the village of  
43 Saltaire.

44 10. "Treasurer" means the chief fiscal officer of the village  
45 Saltaire.

46 11. "Local legislative body" means the board of trustees of the  
47 village of Saltaire.

48 12. "Village" means the village of Saltaire, town of Islip, county of  
49 Suffolk.

50 § 1449-bbbbb. Imposition of tax. Notwithstanding any other provisions  
51 of law to the contrary, the village of Saltaire, in the county of  
52 Suffolk, acting through its local legislative body, is hereby authorized  
53 and empowered to adopt and amend local laws imposing in such village a  
54 tax on each conveyance of real property or interest therein when the  
55 consideration exceeds five hundred dollars, at a rate not to exceed a  
56 maximum of two percent of the consideration for such conveyance. Such

1 local law may apply to any conveyance occurring on or after the date  
2 designated by such legislative body, but shall not apply to conveyances  
3 made on or after such date pursuant to binding written contracts entered  
4 into prior to such date, provided that the date of execution of such  
5 contract is confirmed by independent evidence such as the recording of  
6 the contract, payment of a deposit or other facts and circumstances as  
7 determined by the treasurer.

8 § 1449-cccccc. Payment of tax. 1. The real estate transfer tax imposed  
9 pursuant to this article shall be paid to the treasurer or the recording  
10 officer acting as the agent of the treasurer. Such tax shall be paid at  
11 the same time as the real estate transfer tax imposed by article thirty-  
12 ty-one of this chapter is required to be paid. Such treasurer or record-  
13 ing officer shall endorse upon each deed or instrument effecting a  
14 conveyance a receipt for the amount of the tax so paid.

15 2. A return shall be required to be filed with such treasurer or  
16 recording officer for purposes of the real estate transfer tax imposed  
17 pursuant to this article at the same time as a return is required to be  
18 filed for purposes of the real estate transfer tax imposed by article  
19 thirty-one of this chapter. The return, for purposes of the real estate  
20 transfer tax imposed pursuant to this article, shall be a photocopy or  
21 carbon copy of the real estate transfer tax return required to be filed  
22 pursuant to section fourteen hundred nine of this chapter. However, when  
23 an apportionment is required to be made pursuant to section fourteen  
24 hundred forty-nine-~~mmmmmm~~ of this article, a supplemental form shall  
25 also be required to be filed. The real estate transfer tax returns and  
26 supplemental forms required to be filed pursuant to this section shall  
27 be preserved for three years and thereafter until such treasurer or  
28 recording officer orders them to be destroyed.

29 3. The recording officer shall not record an instrument effecting a  
30 conveyance unless the return required by this section has been filed and  
31 the tax imposed pursuant to this article shall have been paid as  
32 provided in this section.

33 § 1449-ddddddd. Liability for tax. 1. The real estate transfer tax  
34 shall be paid by the grantee. If the grantee has failed to pay the tax  
35 imposed pursuant to this article or if the grantee is exempt from such  
36 tax, the grantor shall have the duty to pay the tax. Where the grantor  
37 has the duty to pay the tax because the grantee has failed to pay, such  
38 tax shall be the joint and several liability of the grantor and the  
39 grantee.

40 2. For the purpose of the proper administration of this article and to  
41 prevent evasion of the tax hereby authorized, it shall be presumed that  
42 all conveyances are taxable. Where the consideration includes property  
43 other than money, it shall be presumed that the consideration is the  
44 fair market value of the real property or interest therein. These  
45 presumptions shall prevail until the contrary is proven, and the burden  
46 of proving the contrary shall be on the person liable for payment of the  
47 tax.

48 § 1449-eeeeeee. Exemptions. 1. The following shall be exempt from  
49 payment of the real estate transfer tax:

50 (a) The state of New York, or any of its agencies, instrumentalities,  
51 political subdivisions, or public corporations (including a public  
52 corporation created pursuant to agreement or compact with another state  
53 or the Dominion of Canada).

54 (b) The United Nations, the United States of America and any of its  
55 agencies and instrumentalities.

56 2. The tax shall not apply to any of the following conveyances:

1 (a) Conveyances to the United Nations, the United States of America,  
2 the state of New York, or any of their instrumentalities, agencies or  
3 political subdivisions (or any public corporation, including a public  
4 corporation created pursuant to agreement or compact with another state  
5 or the Dominion of Canada);

6 (b) Conveyances which are or were used to secure a debt or other obli-  
7 gation;

8 (c) Conveyances which, without additional consideration, confirm,  
9 correct, modify or supplement a prior conveyance;

10 (d) Conveyances of real property without consideration and otherwise  
11 than in connection with a sale, including conveyances conveying realty  
12 as bona fide gifts;

13 (e) Conveyances given in connection with a tax sale;

14 (f) Conveyances to effectuate a mere change of identity or form of  
15 ownership or organization where there is no change in beneficial owner-  
16 ship, other than conveyances to a cooperative housing corporation of the  
17 real property comprising the cooperative dwelling or dwellings;

18 (g) Conveyances which consist of a deed of partition;

19 (h) Conveyances given pursuant to the federal bankruptcy act;

20 (i) Conveyances of real property which consist of the execution of a  
21 contract to sell real property without the use or occupancy of such  
22 property or the granting of an option to purchase real property without  
23 the use or occupancy of such property; and

24 (j) Conveyances of real property or a portion or portions of real  
25 property that are the subject of one or more of the following develop-  
26 ment restrictions:

27 (i) agricultural, conservation, scenic, or an open space easement,

28 (ii) covenants or restrictions prohibiting development where the prop-  
29 erty or portion of property being conveyed has had its development  
30 rights permanently removed,

31 (iii) a purchase of development rights agreement where the property or  
32 portion of property being conveyed has had its development rights perma-  
33 nently removed,

34 (iv) a transfer of development rights agreement, where the property  
35 being conveyed has had its development rights removed,

36 (v) real property subject to any locally adopted land preservation  
37 agreement, provided said exemption is included in the local law imposing  
38 the tax authorized by this article;

39 (k) Conveyances of real property, where the property is viable agri-  
40 cultural land as defined in subdivision seven of section three hundred  
41 one of the agriculture and markets law and the entire property to be  
42 conveyed is to be made subject to one of the development restrictions  
43 provided for in subparagraph (ii) of paragraph (j) of this subdivision  
44 provided that said development restriction precludes the conversion of  
45 the property to a non-agricultural use for at least eight years from the  
46 date of transfer, and said development restriction is evidenced by an  
47 easement, agreement, or other suitable instrument which is to be  
48 conveyed to the village simultaneously with the conveyance of the real  
49 property; or

50 (l) Conveyances of real property for open space, parks, or historic  
51 preservation purposes to any not-for-profit tax exempt corporation oper-  
52 ated for conservation, environmental, or historic preservation purposes.

53 3. An exemption of one hundred thousand dollars shall be allowed on  
54 the consideration of the conveyance of improved real property or an  
55 interest therein, and an exemption of fifty thousand dollars shall be



1 allowed on the consideration of the conveyance of unimproved real prop-  
2 erty.

3 § 1449-ffffff. Credit. A grantee shall be allowed a credit against the  
4 tax due on a conveyance of real property to the extent tax was paid by  
5 such grantee on a prior creation of a leasehold of all or a portion of  
6 the same real property or on the granting of an option or contract to  
7 purchase all or a portion of the same real property, by such grantee.  
8 Such credit shall be computed by multiplying the tax paid on the  
9 creation of the leasehold or on the granting of the option or contract  
10 by a fraction, the numerator of which is the value of the consideration  
11 used to compute such tax paid which is not yet due to such grantee on  
12 the date of the subsequent conveyance (and which such grantee will not  
13 be entitled to receive after such date), and the denominator of which is  
14 the total value of the consideration used to compute such tax paid.

15 § 1449-gggggg. Cooperative housing corporation transfers. 1. Notwith-  
16 standing the definition of "controlling interest" contained in subdivi-  
17 sion two of section fourteen hundred forty-nine-aaaaaa of this article  
18 or anything to the contrary contained in subdivision five of section  
19 fourteen hundred forty-nine-aaaaaa of this article, the tax imposed  
20 pursuant to this article shall apply to (a) the original conveyance of  
21 shares of stock in a cooperative housing corporation in connection with  
22 the grant or transfer of a proprietary leasehold by the cooperative  
23 corporation or cooperative plan sponsor, and (b) the subsequent convey-  
24 ance of such stock in a cooperative housing corporation in connection  
25 with the grant or transfer of a proprietary leasehold by the owner ther-  
26 eof. With respect to any such subsequent conveyance where the property  
27 is an individual residential unit, the consideration for the interest  
28 conveyed shall exclude the value of any liens on certificates of stock  
29 or other evidences of an ownership interest in and a proprietary lease  
30 from a corporation or partnership formed for the purpose of cooperative  
31 ownership of residential interest in real estate remaining thereon at  
32 the time of conveyance. In determining the tax on a conveyance described  
33 in paragraph (a) of this subdivision, a credit shall be allowed for a  
34 proportionate part of the amount of any tax paid upon the conveyance to  
35 the cooperative housing corporation of the real property comprising the  
36 cooperative dwelling or dwellings to the extent that such conveyance  
37 effectuated a mere change of identity or form of ownership of such prop-  
38 erty and not a change in the beneficial ownership of such property. The  
39 amount of the credit shall be determined by multiplying the amount of  
40 tax paid upon the conveyance to the cooperative housing corporation by a  
41 percentage representing the extent to which such conveyance effectuated  
42 a mere change of identity or form of ownership and not a change in the  
43 beneficial ownership of such property, and then multiplying the result-  
44 ing product by a fraction, the numerator of which shall be the number of  
45 shares of stock conveyed in a transaction described in paragraph (a) of  
46 this subdivision and the denominator of which shall be the total number  
47 of shares of stock of the cooperative housing corporation (including any  
48 stock held by the corporation). In no event, however, shall such credit  
49 reduce the tax, on a conveyance described in paragraph (a) of this  
50 subdivision, below zero, nor shall any such credit be allowed for a tax  
51 paid more than twenty-four months prior to the date on which occurs the  
52 first in a series of conveyances of shares of stock in an offering of  
53 cooperative housing corporation shares described in paragraph (a) of  
54 this subdivision.

55 2. Every cooperative housing corporation shall be required to file an  
56 information return with the treasurer by July fifteenth of each year

1 covering the preceding period of January first through June thirtieth  
2 and by January fifteenth of each year covering the preceding period of  
3 July first through December thirty-first. The return shall contain such  
4 information regarding the conveyance of shares of stock in the cooper-  
5 ative housing corporation as the treasurer may deem necessary, includ-  
6 ing, but not limited to, the names, addresses and employee identifica-  
7 tion numbers or social security numbers of the grantor and the grantee,  
8 the number of shares conveyed, the date of the conveyance and the  
9 consideration paid for such conveyance.

10 § 1449-hhhhhh. Designation of agents. The treasurer is authorized to  
11 designate the recording officer to act as its agent for purposes of  
12 collecting the tax authorized by this article. The treasurer shall  
13 provide for the manner in which such person may be designated as its  
14 agent subject to such terms and conditions as it shall prescribe. The  
15 real estate transfer tax shall be paid to such agent as provided in  
16 section fourteen hundred forty-nine-cccccc of this article.

17 § 1449-iiiii. Liability of recording officer. A recording officer  
18 shall not be liable for any inaccuracy in the amount of tax imposed  
19 pursuant to this article that he or she shall collect so long as he or  
20 she shall compute and collect such tax on the amount of consideration or  
21 the value of the interest conveyed as such amounts are provided to him  
22 or her by the person paying the tax.

23 § 1449-jjjjjj. Refunds. Whenever the treasurer shall determine that  
24 any moneys received under the provisions of the local law enacted pursu-  
25 ant to this article were paid in error, it may cause such moneys to be  
26 refunded pursuant to such rules and regulations it may prescribe,  
27 provided any application for such refund is filed with the treasurer  
28 within two years from the date the erroneous payment was made. When  
29 making any findings or determinations the treasurer may rely upon any  
30 findings or determinations of the commissioner and any rules and regu-  
31 lations promulgated pursuant to article thirty-one of this chapter.

32 § 1449-kkkkkk. Deposit and disposition of revenue. All taxes collected  
33 or received by the treasurer or his or her duly authorized agent under  
34 the provisions of the local law enacted pursuant to this article shall  
35 be deposited in accordance with provisions of a local law adopted by the  
36 legislative body of the village of Saltaire which local law shall desig-  
37 nate proper officers to be responsible for deposit of revenue collected  
38 or received under this article. Such local law shall also provide that  
39 any officer designated to collect, receive, or deposit such revenue  
40 shall maintain a system of accounts showing the revenue collected or  
41 received from the tax imposed pursuant to this article. Such local law  
42 shall also provide that all revenue derived from the imposition of such  
43 tax shall be deposited into the special reserve account fund of the  
44 village of Saltaire established pursuant to section 5-532-a of the  
45 village law and shall be used for purposes authorized by subdivision  
46 three of such section.

47 § 1449-llllll. Judicial review. 1. Any final determination of the  
48 amount of any tax payable under section fourteen hundred forty-nine-  
49 cccccc of this article shall be reviewable for error, illegality or  
50 unconstitutionality or any other reason whatsoever by a proceeding under  
51 article seventy-eight of the civil practice law and rules if application  
52 therefor is made to the supreme court within four months after the  
53 giving of the notice of such final determination, provided, however,  
54 that any such proceeding under article seventy-eight of the civil prac-  
55 tice law and rules shall not be instituted unless (a) the amount of any  
56 tax sought to be reviewed, with such interest and penalties thereon as

1 may be provided for by local law shall be first deposited and there is  
2 filed an undertaking, issued by a surety company authorized to transact  
3 business in this state and approved by the superintendent of financial  
4 services of this state as to solvency and responsibility, in such amount  
5 as a justice of the supreme court shall approve to the effect that if  
6 such proceeding be dismissed or the tax confirmed the petitioner will  
7 pay all costs and charges which may accrue in the prosecution of such  
8 proceeding or (b) at the option of the petitioner, such undertaking may  
9 be in a sum sufficient to cover the taxes, interest and penalties stated  
10 in such determination, plus the costs and charges which may accrue  
11 against it in the prosecution of the proceeding, in which event the  
12 petitioner shall not be required to pay such taxes, interest or penal-  
13 ties as a condition precedent to the application.

14 2. Where any tax imposed hereunder shall have been erroneously, ille-  
15 gally or unconstitutionally assessed or collected and application for  
16 the refund or revision thereof duly made to the proper fiscal officer or  
17 officers, and such officer or officers shall have made a determination  
18 denying such refund or revision, such determination shall be reviewable  
19 by a proceeding under article seventy-eight of the civil practice law  
20 and rules; provided, however, that (a) such proceeding is instituted  
21 within four months after the giving of the notice of such denial, (b) a  
22 final determination of tax due was not previously made, and (c) an  
23 undertaking is filed with the proper fiscal officer or officers in such  
24 amount and with such sureties as a justice of the supreme court shall  
25 approve to the effect that if such proceeding be dismissed or the tax  
26 confirmed, the petitioner will pay all costs and charges which may  
27 accrue in the prosecution of such proceeding.

28 3. In any proceedings instituted pursuant to this article the rules  
29 and regulations of the commissioner shall be applied where applicable.

30 § 1449-mmmmmm. Apportionment. The local law adopted by the legislative  
31 body of the village of Saltaire shall provide for a method of apportion-  
32 ment for determining the amount of tax due whenever the real property or  
33 interest therein is situated within and without the village of Saltaire.

34 § 1449-nnnnnn. Miscellaneous. The local law adopted by the legislative  
35 body of the village of Saltaire may contain such other provisions as  
36 such legislative body deems necessary for the proper administration of  
37 the tax imposed pursuant to this article, including provisions concern-  
38 ing the determination of tax, the imposition of interest on underpay-  
39 ments and overpayments and the imposition of civil penalties. Such  
40 provisions shall be identical to the corresponding provisions of the  
41 real estate transfer tax imposed by article thirty-one of this chapter,  
42 so far as such provisions can be made applicable to the tax imposed  
43 pursuant to this article.

44 § 1449-oooooo. Returns to be secret. 1. Except in accordance with  
45 proper judicial order or as otherwise provided by law, it shall be  
46 unlawful for the treasurer or any officer or employee of the village of  
47 Saltaire or any person engaged or retained by such village on an inde-  
48 pendent contract basis to divulge or make known in any manner the  
49 particulars set forth or disclosed in any return required under a local  
50 law enacted pursuant to this article. However, that nothing in this  
51 section shall prohibit the recording officer from making a notation on  
52 an instrument effecting a conveyance indicating the amount of tax paid.  
53 No recorded instrument effecting a conveyance shall be considered a  
54 return for purposes of this section.

55 2. The officers charged with the custody of such returns shall not be  
56 required to produce any of them or evidence of anything contained in



1 them in any action or proceeding in any court, except on behalf of the  
2 village in any action or proceeding involving the collection of a tax  
3 due under a local law enacted pursuant to this article to which such  
4 village or an officer or employee of such village is a party or a claim-  
5 ant, or on behalf of any party to any action or proceeding under the  
6 provisions of a local law enacted pursuant to this article when the  
7 returns or facts shown thereby are directly involved in such action or  
8 proceeding, in any of which events the court may require the production  
9 of, and may admit in evidence, so much of said returns or of the facts  
10 shown thereby, as are pertinent to the action or proceeding and no more.

11 3. Nothing herein shall be construed to prohibit the delivery to a  
12 grantor or grantee of an instrument effecting a conveyance or the duly  
13 authorized representative of a grantor or grantee of a certified copy of  
14 any return filed in connection with such instrument or to prohibit the  
15 publication of statistics so classified as to prevent the identification  
16 of particular returns and the items thereof, or the inspection by the  
17 legal representatives of such village of the return of any taxpayer who  
18 shall bring action to set aside or review the tax based thereon.

19 4. Any officer or employee of such village who willfully violates the  
20 provisions of this section shall be dismissed from office and be incapa-  
21 ble of holding any public office in this state for a period of five  
22 years thereafter.

23 § 1449-pppppp. Foreclosure. Where the conveyance consists of a trans-  
24 fer of property made as a result of an order of the court in a foreclo-  
25 sure proceeding ordering the sale of such property, the referee or sher-  
26 iff effectuating such transfer shall not be liable for any interest or  
27 penalties that are authorized pursuant to this article or article thirty-  
28 seven of this chapter.

29 § 2. The village law is amended by adding a new section 5-532-a to  
30 read as follows:

31 § 5-532-a Village of Saltaire authorized to impose a transfer tax on  
32 conveyances of real property. 1. Notwithstanding any other provision of  
33 law to the contrary, the village of Saltaire, in the county of Suffolk,  
34 is hereby authorized and empowered to adopt and amend a local law impos-  
35 ing in such village a tax pursuant to article thirty-one-H of the tax  
36 law, and may make provision for the collection thereof by the chief  
37 fiscal officer of such village; provided, however, that nothing herein  
38 contained shall be construed so as to prevent such village from adopting  
39 local laws exempting from such tax omnibus corporations subject to the  
40 supervision of the state department of public service under the public  
41 service law. A tax imposed pursuant to this section shall have applica-  
42 tion only within the territorial limits of any such village, and shall  
43 be in addition to any and all other taxes. This section shall not  
44 authorize the imposition of a tax on any transaction originating or  
45 consummated outside of the territorial limits of any such village,  
46 notwithstanding that some act be necessarily performed with respect to  
47 such transaction within such limits.

48 2. Revenues resulting from the imposition of taxes authorized by this  
49 section and article thirty-one-H of the tax law heretofore or hereafter  
50 imposed shall be paid to the treasurer of the village imposing the same,  
51 and shall be credited to and deposited to the special reserve account  
52 established pursuant to subdivision three of this section.

53 3. A local law adopted pursuant to this section shall provide for the  
54 establishment and maintenance of a special reserve account for infras-  
55 tructure resiliency and sustainability initiatives. The purposes of such  
56 account shall be to stabilize the annual real property tax burden and

1 preserve the environment and character of the community by funding  
2 improvements to and continuing maintenance of public water delivery  
3 systems, wastewater and stormwater systems, and other coastal  
4 protections and providing incentives for sustainability and resiliency  
5 projects.

6 § 3. Severability. If any provision of this act or the application  
7 thereof shall for any reason be adjudged by any court of competent  
8 jurisdiction to be invalid, such judgment shall not affect, impair, or  
9 invalidate the remainder of this act, but shall be confined in its oper-  
10 ation to the provision thereof directly involved in the controversy in  
11 which such judgment shall have been rendered.

12 § 4. This act shall take effect immediately and shall expire ten years  
13 after it shall have become a law.