STATE OF NEW YORK

6574

2021-2022 Regular Sessions

IN ASSEMBLY

March 19, 2021

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Ways and Means

AN ACT to amend the administrative code of the city of New York and the tax law, in relation to the imposition of tax on the transfer of certain properties in the city of New York

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

Section 1. This act shall be known and may be cited as the "COVID-19 community protection act of 2021".

§ 2. The administrative code of the city of New York is amended by adding a new section 11-2120 to read as follows:

§ 11-2120 Residential real property sold within two years. a. In addition to the tax imposed by section 11-2102 of this chapter, there is hereby imposed on each deed, instrument or transaction at the time of transfer whereby any properties of one to three residential units are transferred by a grantor to a grantee, and such transfer is made within two years from the prior conveyance of the property, including but not limited to transfers which are all cash transactions and transfers of property which have been rented out during such time period. The tax which shall be paid by the grantor shall be at the rate of:

(1) sixty-five percent of the difference between the current sales price and the sales price of the prior conveyance when the time since the prior conveyance of the property is less than one year; and

(2) fifty percent of the difference between the current sales price and the sales price of the prior conveyance when the time since the prior conveyance of the property is greater than or equal to one year but less than two years.

b. The tax defined in subdivision a of this section shall expire when the time since the prior conveyance of the property is two years.

c. (1) The following qualified persons shall be exempt from the payment of the tax imposed by this section:

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

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(i) Property owners conveying property to a family member.

(ii) Property owners who can demonstrate a financial hardship which justifies a conveyance of property in less than or equal to two years.

(2) The following properties shall be exempt from the payment of the tax imposed by this section:

(i) Property which was conveyed following the death of the property owner.

(ii) Property being sold as new housing.

(iii) Property which the consideration or value conveyed, which is otherwise subject to the tax imposed in this section, is less than or equal to ten percent more than the consideration or value of such property conveyed at the time of the prior conveyance of property.

(iv) Property which was conveyed to a mortgagee or an affiliate agent thereof by a mortgagor be deed in lieu of foreclosure or in satisfaction of the mortgage debt.

(v) Property which was conveyed to a mortgagee or an affiliate agent thereof pursuant to a foreclosure sale that follows a default in the satisfaction of an obligation that is secured by a mortgage.

(vi) Property which is otherwise exempt from payment of a real property transfer tax pursuant to this chapter.

§ 3. Section 252-a of the tax law is amended by adding a new subdivision 3 to read as follows:

3. Property acquisitions in the amount of seven hundred fifty thousand dollars or less for one to three residential units, including one to three family homes and condominiums, located within the city of New York shall be exempt from any tax or fee imposed by this article; provided, however, that this exemption shall not apply to legal entities. For the purposes of this subdivision, the term "legal entities" shall mean business trusts, estates, trusts, limited liability companies, limited liability partnerships, limited liability investment companies, associations, joint ventures, business or nonprofit entities, public corporations, government or governmental subdivisions, agencies, instrumentalities, or other legal or commercial entities.

§ 4. The administrative code of the city of New York is amended by adding a new section 11-2121 to read as follows:

§ 11-2121 Imposition of tax on certain properties. In addition to the tax imposed by section 11-2102 of this chapter, there is hereby imposed on each deed, instrument or transaction at the time of the transfer whereby any properties of one to three residential units, including one to three family homes, condominiums or cooperative units, are transferred by a grantor to a grantee for a sales price of one million dollars or more. The tax, which shall be paid by the grantee, shall be at the rate of one percent of the purchase price.

§ 5. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 6. This act shall take effect on the ninetieth day after it shall have become a law.