STATE OF NEW YORK

2005

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sens. JACKSON, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to the imposition of a commercial vacancy tax

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 30-C to read as follows:

ARTICLE 30-C
COMMERCIAL VACANCY TAX

Section 1350. Definitions.
1351. Imposition of tax.
1352. Returns and payment of tax.
1353. Deposit and disposition of revenue.
1354. General powers of the commissioner.

§ 1350. Definitions. For purposes of this article the following terms shall have the following meanings:

1. "Commercial storefront" means area within a building that may be individually leased or rented for the purpose of carrying on or exercising any trade, business, profession, vocation or commercial activity.

2. (a) "Vacant or abandoned" means a commercial storefront which either (i) is unoccupied and unsecured; or (ii) is unoccupied and secured by boarding or other similar means; or (iii) is unoccupied and unsafe as defined in the building code of the municipality where such commercial storefront is located; or (iv) is unoccupied and has multiple code violations of the building code of the municipality where such commercial storefront is located; or (v) has been unoccupied for over six months.

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

LBD00512-01-1

(b) Notwithstanding paragraph (a) of this subdivision, vacant or abandoned shall not include a commercial storefront where (i) there is a valid building permit for repair, rehabilitation, or construction of such commercial storefront and the owner completes the repair, rehabilitation, or construction within one year from the date the initial permit was issued, unless the owner establishes that additional time is necessary to complete the repair, rehabilitation, or construction of the commercial storefront in a manner promulgated by the commissioner; or

(ii) the owner or leaseholder has filed an application for, and is actively seeking to obtain, authorization, permits or a license required by state or local law permitting the lawful use and occupancy of the commercial storefront; or

(iii) such commercial storefront complies with all provisions of state and local law, is ready for occupancy, and the owner provides evidence satisfactory to the department that the commercial storefront is actively being offered for sale, lease, or rent. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial storefront for rent, lease or sale, or proof that such commercial storefront is offered for sale on the multiple listing service or any other comparable real estate listing service.

§ 1351. Imposition of tax. Notwithstanding any other provision of this chapter, or of any other law, for taxable years beginning on and after January first, two thousand twenty-two, an annual tax is hereby imposed on every taxpayer who is the owner of a vacant or abandoned commercial storefront located in a city with a population of one million or more equal to one percent of the assessed value of the property which includes such vacant or abandoned commercial storefront.

§ 1352. Returns and payment of tax. 1. Every taxpayer subject to tax under this section shall, on or before the fifteenth day of the fifth month following the close of each of its taxable years, make and file a return with the commissioner setting forth such information as the commissioner may prescribe. Every taxpayer which ceases to be subject to the tax imposed by this article shall make and file a return with the commissioner on the date of such cessation, or at such other time which the commissioner may require, covering each taxable year or period for which no return was theretofore filed, setting forth such information as the commissioner may require. Every taxpayer shall also file such other returns and furnish such other facts and information as the commissioner may require in the administration of this article.

2. The tax imposed by section thirteen hundred fifty-one of this article shall be payable to the commissioner in full at the time the return is required to be filed. Such tax imposed on any taxpayer which ceases to be subject to the tax imposed by this article shall be payable to the commissioner at the time the return is required to be filed and all other taxes of any such taxpayer, which pursuant to the provisions of this section would otherwise be payable subsequent to the time such return is required to be filed, shall nevertheless be payable at such time.

3. The commissioner may grant a reasonable extension of time for filing a return or for payment of a tax imposed by this article under such conditions as it deems just and proper.

§ 1353. Deposit and disposition of revenue. All taxes, interest and penalties collected or received by the commissioner under this article shall be deposited and disposed of pursuant to the provisions of section one hundred seventy-one-a, as separately amended by chapter four hundred

eighty-one and four hundred eighty-four of the laws of nineteen eighty-one, of this chapter.

§ 1354. General powers of the commissioner. The commissioner shall have the power to administer and enforce the tax imposed by this article and the commissioner is authorized to make such rules and regulations, and to require such facts and information to be reported, as the commissioner may deem necessary to enforce the provisions of this article.

§ 2. This act shall take effect immediately.