

STATE OF NEW YORK

8019

2023-2024 Regular Sessions

IN ASSEMBLY

September 1, 2023

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

AN ACT to amend the tax law, in relation to imposing an additional real estate transfer tax on conveyances of single-family residences by specified large investors

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

1 Section 1. The tax law is amended by adding a new section 1403 to read
2 as follows:

3 § 1403. Additional tax on conveyances of single-family residences by
4 specified large investors. (a) When used in this section, the following
5 terms shall have the following meanings:

6 (1) "Specified large investor":

7 (A) means any person for any taxable year if the aggregate fair market
8 value of all assets of such person, reduced by the aggregate debts of
9 the taxpayer, exceeds one hundred million dollars at any time during
10 such taxable year; and

11 (B) shall not include government entities or charitable corporations,
12 as defined by subparagraph three-a of paragraph (a) of section one
13 hundred two of the not-for-profit corporation law.

14 (2) "Single-family residence" means real property that is or may be
15 used in whole or in part as a personal residence, and that includes at
16 least one, but no more than four, dwelling units.

17 (b) In addition to the taxes imposed by sections fourteen hundred two,
18 fourteen hundred two-a and fourteen hundred two-b of this article, a tax
19 is hereby imposed on each conveyance of a single-family residence or
20 interest therein by a specified large investor. The rate of such tax
21 shall be equal to the consideration or part thereof attributable to such
22 single-family residence. Such tax shall be paid at the same time and in
23 the same manner as the taxes imposed by sections fourteen hundred two,
24 fourteen hundred two-a and fourteen hundred two-b of this article.

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

LBD13136-01-3

1 (c) The tax imposed by subdivision (b) of this section shall not apply
2 to:

3 (1) in the case of a specified large investor who is an individual,
4 any single-family residence that is used as the principal residence of
5 such investor; and

6 (2) single-family residences originally constructed by the taxpayer.

7 (d) Notwithstanding the provisions of subdivision (a) of section four-
8 teen hundred four of this article, the additional tax imposed by this
9 section shall be paid by the grantee. If the grantee has failed to pay
10 the tax imposed by this article at the time required by section fourteen
11 hundred ten of this article or if the grantee is exempt from such tax,
12 the grantor shall have the duty to pay the tax. Where the grantor has
13 the duty to pay the tax because the grantee has failed to pay, such tax
14 shall be the joint and several liability of the grantor and the grantee.

15 (e) Except as otherwise provided in this section, all the provisions
16 of this article relating to or applicable to the administration,
17 collection, determination and distribution of the tax imposed by section
18 fourteen hundred two of this article shall apply to the tax imposed
19 under the authority of this section with such modifications as may be
20 necessary to adapt such language to the tax so authorized. Such
21 provisions shall apply with the same force and effect as if those
22 provisions had been set forth in this section except to the extent that
23 any provision is either inconsistent with a provision of this section or
24 not relevant to the tax authorized by this section.

25 § 2. This act shall take effect immediately and shall apply to taxable
26 years beginning on or after January 1, 2025.