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:

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

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

(1) "Specified large investor":

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

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

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

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

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

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

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

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

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

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