

STATE OF NEW YORK

7341

2025-2026 Regular Sessions

IN ASSEMBLY

March 25, 2025

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

AN ACT to amend the tax law, in relation to authorizing the city of Mount Vernon to impose a hotel and motel tax; 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:

1 Section 1. The tax law is amended by adding a new section 1202-kk to
2 read as follows:

3 § 1202-kk. Hotel or motel taxes in the city of Mount Vernon. (1)
4 Notwithstanding any other provision of law to the contrary, the city of
5 Mount Vernon, Westchester county, is hereby authorized and empowered to
6 adopt and amend local laws imposing in such city a tax, in addition to
7 any other tax authorized and imposed pursuant to this article, such as
8 the legislature has or would have the power and authority to impose upon
9 persons occupying hotel or motel rooms in such city. For the purposes of
10 this section, the term "hotel" or "motel" shall mean and include, but
11 not be limited to, hotels, motels, tourist homes, motel courts, bed-and-
12 breakfast establishments, short-term rentals, vacation rentals, airbnbs,
13 clubs or similar facilities, whether or not meals are served to guests
14 or residents thereof, and/or a location that is otherwise made available
15 for transient lodging accommodation for rent directly by the owner or
16 through an agent, operator or company. The rates of such tax shall not
17 exceed five and eight hundred seventy-five thousandths percent of the
18 per diem rental rate for each room, provided however, that such tax
19 shall not be applicable to a permanent resident of a hotel or motel.
20 For the purposes of this section, the term "permanent resident" shall
21 mean a person occupying any room or rooms in a hotel or motel for at
22 least thirty consecutive days.

23 (2) Such tax may be collected and administered by the chief fiscal
24 officer of the city of Mount Vernon by such means and in such manner as

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

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1 other taxes, which are now collected and administered by such officer,
2 or as otherwise may be provided by such local law.

3 (3) Such local laws may provide that any tax imposed shall be paid by
4 the person liable therefor to the owner of the hotel or motel room occu-
5 piated or to the person entitled to be paid the rent or charge for the
6 hotel or motel room occupied for and on account of the city of Mount
7 Vernon imposing the tax and that such owner or person entitled to be
8 paid the rent or charge shall be liable for the collection and payment
9 of the tax; and that such owner or person entitled to be paid the rent
10 or charge shall have the same right in respect to collecting the tax
11 from the person occupying the hotel or motel room, or in respect to
12 nonpayment of the tax by the person occupying the hotel or motel room,
13 as if the tax were a part of the rent or charge and payable at the same
14 time as the rent or charge; provided, however, that the chief fiscal
15 officer of the city, specified in such local law, shall be joined as a
16 party in any action or proceeding brought to collect the tax by the
17 owner or by the person entitled to be paid the rent or charge.

18 (4) Such local laws may provide for the filing of returns and the
19 payment of the tax on a monthly basis or on the basis of any longer or
20 shorter period of time.

21 (5) This section shall not authorize the imposition of such tax upon
22 any transaction, by or with any of the following in accordance with
23 section twelve hundred thirty of this article:

24 a. The state of New York, or any public corporation (including a
25 public corporation created pursuant to agreement or compact with another
26 state or the Dominion of Canada), improvement district or other poli-
27 tical subdivision of the state;

28 b. The United States of America, insofar as it is immune from taxa-
29 tion; and

30 c. Any corporation or association, or trust, or community chest, fund
31 or foundation organized and operated exclusively for religious, charita-
32 ble, or educational purposes, or for the prevention of cruelty to chil-
33 dren or animals, and no part of the net earnings of which inures to the
34 benefit of any private shareholders or individual and no substantial
35 part of the activities of which is carrying on propaganda, or otherwise
36 attempting to influence the legislation; provided, however, that nothing
37 in this paragraph shall include an organization operated for the primary
38 purpose of carrying on a trade or business for profit, whether or not
39 all of its profits are payable to one or more organizations described in
40 this paragraph.

41 (6) Any final determination of the amount of any tax payable pursuant
42 to this section shall be reviewable for error, illegality or unconstitu-
43 tionality or any other reason whatsoever by a proceeding under article
44 seventy-eight of the civil practice law and rules if application there-
45 for is made to the supreme court within thirty days after the giving of
46 the notice of such final determination, provided, however, that any such
47 proceeding under article seventy-eight of the civil practice law and
48 rules shall not be instituted unless:

49 a. The amount of any tax sought to be reviewed, with such interest and
50 penalties thereon as may be provided for by local law or regulation
51 shall be first deposited and there is filed an undertaking, issued by a
52 surety company authorized to transact business in this state and
53 approved by the superintendent of financial services of this state as to
54 solvency and responsibility, in such amount as a justice of the supreme
55 court shall approve to the effect that if such proceeding be dismissed

1 or the tax confirmed the petitioner will pay all costs and charges which
2 may accrue in the prosecution of such proceeding; or

3 b. At the option of the petitioner such undertaking may be in a sum
4 sufficient to cover the taxes, interests and penalties stated in such
5 determination plus the costs and charges which may accrue against it in
6 the prosecution of the proceeding, in which event the petitioner shall
7 not be required to pay such taxes, interest or penalties as a condition
8 precedent to the application.

9 (7) Where any tax imposed pursuant to this section shall have been
10 erroneously, illegally or unconstitutionally collected and application
11 for the refund thereof duly made to the proper fiscal officer or offi-
12 cers, and such officer or officers shall have made a determination deny-
13 ing such refund, such determination shall be reviewable by a proceeding
14 under article seventy-eight of the civil practice law and rules,
15 provided, however, that such proceeding is instituted within thirty days
16 after the giving of the notice of such denial, that a final determi-
17 nation of tax due was not previously made, and that an undertaking is
18 filed with the proper fiscal officer or officers in such amount and with
19 such sureties as a justice of the supreme court shall approve to the
20 effect that if such proceeding be dismissed or the tax confirmed, the
21 petitioner will pay all costs and charges which may accrue in the prose-
22 cution of such proceeding.

23 (8) Except in the case of a willfully false or fraudulent return with
24 intent to evade the tax, no assessment of additional tax shall be made
25 after the expiration of more than three years from the date of the
26 filing of a return, provided, however, that where no return has been
27 filed as provided by law the tax may be assessed at any time.

28 (9) All revenues resulting from the imposition of the tax under the
29 local laws shall be paid into the treasury of the city of Mount Vernon
30 and shall be credited to and deposited in the general fund of the city.
31 Such revenues shall be retained to defer the expense of the city in
32 administering the tax pursuant to this section and the balance of such
33 revenues shall be used within the city of Mount Vernon as so determined
34 by the city of Mount Vernon city council.

35 (10) If any provision of this section or the application thereof to
36 any person or circumstance shall be held invalid, the remainder of this
37 section and the application of such provision to other persons or
38 circumstances shall not be affected thereby.

39 (11) Each enactment of such local law may provide for the imposition
40 of a hotel or motel tax for a period of time no longer than three years
41 from the effective date of its enactment. Nothing in this section shall
42 prohibit the adoption and enactment of local laws, pursuant to the
43 provisions of this section, upon the expiration of any other local law
44 adopted pursuant to this section.

45 § 2. This act shall take effect immediately and shall apply to
46 contracts entered into on or after such date; provided, however, that
47 the provisions of this act shall expire and be deemed repealed December
48 31, 2028.