

# STATE OF NEW YORK

7321--A

2025-2026 Regular Sessions

## IN SENATE

April 10, 2025

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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-kkk to  
2 read as follows:

3 § 1202-kkk. 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.

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

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1 (2) Such tax may be collected and administered by the chief fiscal  
2 officer of the city of Mount Vernon by such means and in such manner as  
3 other taxes, which are now collected and administered by such officer,  
4 or as otherwise may be provided by such local law.

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

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

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

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

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

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

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

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

1 court shall approve to the effect that if such proceeding be dismissed  
2 or the tax confirmed the petitioner will pay all costs and charges which  
3 may accrue in the prosecution of such proceeding; or

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

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

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

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

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

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

46 § 2. This act shall take effect immediately and shall apply to  
47 contracts entered into on or after such date; provided, however, that  
48 the provisions of this act shall expire and be deemed repealed December  
49 31, 2028.