LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1987

No. 62

Introduced by Council Member DeMarco; also Council Members Crispino, Eisland, Gerges, Harrison, Michels, O'Donovan, Povman and Dryfoos.

A LOCAL LAW *A 651-A*

To amend the administrative code of the city of New York, in relation to eliminating all but the final return filing requirements and reducing the failure to file penalty for certain tenants who are exempt from the commercial rent or occupancy tax.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 11-705 of chapter seven of title eleven of the administrative code of the city of New York is hereby amended to read as follows:

a. Every tenant subject to tax under this chapter shall file with the commissioner of finance a return with respect to the taxes payable for the three month periods ending on the last days of August, November and February of each year and a final return with respect to the taxes payable for the tax year ending on the last day of May of each year. Such returns shall be filed within twenty days from the expiration of the period covered thereby. A tenant who is exempt from the tax by reason of paragraph two of subdivision b of section 11-704 of this chapter shall nevertheless be required to file [returns, except that where such tenant's annual rent, without regard to any deduction provided by this chapter is less than eleven thousand dollars and no part of the premises rented to him or her is sublet to another, only] a final return [need to be filed]. The commissioner of finance may permit or require returns (including final returns) to be made for other periods and upon such dates as the commissioner may specify and if he or she deems it necessary, in order to insure the payment of the tax imposed by this chapter, the commissioner may require such returns to be made for shorter periods than those prescribed by the foregoing provisions of this section, and upon such dates as he or she may specify.

§2. Paragraph one of subdivision c of section 11-715 of such chapter of such code is hereby amended to read as follows:

(1) Failure to file final return. (A) in case of failure to file a final return under this chapter on or before the prescribed date (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on such return five percent of the amount of such tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which such failure continues, not exceeding twenty-five percent in the aggregate, and, in addition thereto, where a tenant, with respect to any taxable premises, is exempt from tax by reason of paragraph two of subdivision b of section 11-704 of this chapter, there shall be imposed a penalty of [fifty] *one hundred* dollars [for each one thousand dollars of base rent, or fraction thereof, attributable to such taxable premises].

§3. This local law shall take effect immediately and shall apply with respect to returns which become due on or after September twentieth, nineteen hundred eighty-seven.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, S.S.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 6, 1987, and approved by the Mayor on October 21, 1987.

RAYMOND TEATUM, City Clerk, Clerk of Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 62 of 1987, Council Int. No. 651-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on October 6, 1987: 27 for, 0 against.

Was approved by the Mayor on October 21, 1987.

Was returned to the City Clerk on October 21, 1987.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.