



Legislation Text

---

File #: Int 0474-2003, Version: \*

---

Int. No. 474

By Council Members Weprin, Fidler and Martinez (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to the imposition of a real property tax surcharge on certain class one properties.

Be it enacted by the Council as follows:

Section 1. Title 11 of the administrative code of the city of New York is amended by adding a new section 11-238 to read as follows:

§ 11-238 Real property tax surcharge on absentee landlords. a. Imposition of surcharge. A real property tax surcharge is hereby imposed on class one property, as defined in section eighteen hundred two of the real property tax law, excluding vacant land, that provides rental income and is not the primary residence of the owner or owners of such class one property, or the primary residence of the parent or child of such owner or owners, in an amount equal to twenty-five percent of the net real property taxes for fiscal years beginning on or after July first, two thousand three. As used in this section, “net real property tax” means the real property tax assessed on class one property after deduction for any exemption or abatement received pursuant to the real property tax law or this title.

b. Rental income, primary residence and/or relationship to owner or owners. The property shall be deemed to be the primary residence of the owner or owners thereof, if such property would be eligible to receive the real property tax exemption pursuant to section four hundred twenty-five of the real property tax law, regardless of whether such owner or owners has filed an application for, or the property is currently receiving, such exemption. Proof of primary residence and the resident’s or residents’ relationship to the owner or owners and the absence of rental income shall be in the form of a certification as required by the rules of the

commissioner.

c. Rules. The department of finance shall have, in addition to any other functions, powers and duties which have been or may be conferred on it by law, the power to make and promulgate rules to carry out the purposes of this section, including, but not limited to, rules related to the timing, form and manner of any certification required to be submitted under this section.

d. Penalties. 1. Notwithstanding any provision of any general, special or local law to the contrary, an owner or owners shall be personally liable for any taxes owed pursuant to this section whenever such owner or owners fail to comply with this section or the rules promulgated hereunder, or makes a false or misleading statement or omission and the commissioner determines that such act was due to the owner or owners' willful neglect, or that under such circumstances such act constituted a fraud on the department. The remedy provided herein for an action in personam shall be in addition to any other remedy or procedure for the enforcement of collection of delinquent taxes provided by general, special or local law.

2. If the commissioner should determine, within three years from the filing of an application or certification pursuant to this section, that there was a material misstatement on such application or certification, he or she shall impose a penalty tax against the property of five hundred dollars, in accordance with the rules promulgated hereunder.

e. Cessation of use. In the event that a property granted an exemption from taxation pursuant to this section ceases to be used as the primary residence of such owner or owners or his, her or their parent or child, or produces rental income, such owner or owners shall so notify the commissioner.

§ 2. This local law shall take effect immediately, provided that if New York Assembly Bill No. 8388, which passed the New York Assembly on May 5, 2003 and the New York Senate on May 6, 2003, and was delivered to the Governor on May 6, 2003, has not become a law prior to the time that this local law becomes a law, then this law local shall take effect immediately upon the enactment into law of such bill.