



Legislation Details (With Text)

**File #:** Int 0887-2008 **Version:** \* **Name:** Provide for the levy and collection of additional real property taxes for FY'09.

**Type:** Introduction **Status:** Enacted

**In control:** Committee on Finance

**On agenda:** 12/9/2008

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**Title:** A Local Law to provide for the levy and collection of additional real property taxes for fiscal year 2009, and to amend the administrative code of the city of New York and the New York City charter in relation to the date when taxes are due and payable.

**Sponsors:** David I. Weprin, Leroy G. Comrie, Jr., Robert Jackson, (by request of the Mayor)

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Testimony, 3. Hearing Transcript, 4. Fiscal Impact Statement, 5. Press Release, 6. Mayor's Letter, 7. Local Law, 8. Hearing Transcript - Stated Meeting 12/18/08

Date	Ver.	Action By	Action	Result
12/9/2008	*	City Council	Introduced by Council	
12/9/2008	*	City Council	Referred to Comm by Council	
12/18/2008	*	Committee on Finance	Hearing Held by Committee	
12/18/2008	*	Committee on Finance	Approved by Committee	Pass
12/18/2008	*	City Council	Approved by Council	Pass
12/18/2008	*	City Council	Sent to Mayor by Council	
12/29/2008	*	Mayor	Hearing Held by Mayor	
12/29/2008	*	Mayor	Signed Into Law by Mayor	
12/30/2008	*	City Council	Recved from Mayor by Council	

Int. No. 887

By Council Members Weprin, Comrie and Jackson (by request of the Mayor)

A Local Law to provide for the levy and collection of additional real property taxes for fiscal year 2009, and to amend the administrative code of the city of New York and the New York City charter in relation to the date when taxes are due and payable.

Be it enacted by the Council as follows:

Section 1. Where the mayor estimates that the revenue receipts for fiscal year 2009 will fall below the amount set forth in the budget for such year as adopted, and where the mayor requests modifications to the expense budget for such year, the council shall be authorized to raise, by an additional tax on real

property in fiscal year 2009, additional revenues, by fixing additional tax rates in cents and thousandths of a cent upon each dollar of assessed valuation; provided, however, that such additional tax rates shall apply from January 1, 2009 to June 30, 2009, and provided, further, however, that nothing herein shall authorize any subsequent and further increase in the real property tax rates for fiscal year 2009.

§2. The council shall, at the same time as it fixes the additional tax rates as provided in section one of this local law, amend the assessment rolls by making the necessary adjustments to the listing of the sums, in dollars and cents, to be paid as a tax upon real property for fiscal year 2009 originally set down pursuant to section 1517 of the charter.

§3. The procedures set forth in sections 1518 and 1519-a of the charter, without regard to the dates specified therein, shall apply to the collection of the additional amount of real property taxes provided for in this local law; provided, however, that such additional amount (i) shall be due and payable in one installment, on January 1, 2009, with respect to real property subject to subdivision three of section 1519-a of the charter, and (ii) shall be due and payable in two equal installments, the first payment on January 1, 2009 and the second payment on April 1, 2009, with respect to real property subject to subdivision two of section 1519-a of the charter. Notwithstanding any other provision of law to the contrary, interest shall be charged, received and collected at the rate established pursuant to section 11-224.1 of the administrative code if such installment or installments shall remain unpaid in whole or in part on such date or dates, provided, however, that for each real property with an assessed value of two hundred fifty thousand dollars or less, if an installment of tax due and payable is not paid by January thirtieth two thousand nine, interest shall be imposed on such unpaid amounts. For purposes of section 1516-a of the charter, the tax rates for the current fiscal year shall be the rates, including the additional tax rates, applicable from January 1, 2009 to June 30, 2009.

§4. The subdivision heading of subdivision 2 of section 1519-a of the New York City charter, as added by local law 62 for the year 2005, is amended to read as follows:

2. Real property with an assessed value of [eighty] two hundred fifty thousand dollars or less.

§5. The subdivision heading of subdivision 3 of section 1519-a of the New York City charter, as added by local law 62 for the year 2005, is amended to read as follows:

3. Real property with an assessed value of over [eighty] two hundred fifty thousand dollars.

§6. Subdivision 4 of section 1519-a of the New York City charter, as added by local law 62 for the year 2005, is amended to read as follows

4. Cooperative property. For purposes of this section, property held in the cooperative form of ownership shall not be deemed to have an assessed value of over [eighty] two hundred fifty thousand dollars if the property's assessed value divided by the number of residential dwelling units is [eighty] two hundred fifty thousand dollars or less per unit.

§7. Subdivision a of section 11-224.1 of the administrative code of the city of New York, as added by local law 62 for the year 2005, is amended to read as follows:

- (a) For real property with an assessed value of [eighty] two hundred fifty thousand dollars or less, if an installment of tax due and payable is not paid by July fifteenth, October fifteenth, January fifteenth or April fifteenth, interest shall be imposed on such unpaid amounts.

§8. Subdivision b of section 11-224.1 of the administrative code of the city of New York, as added by local law 62 for the year 2005, is amended to read as follows:

- (b) For real property with an assessed value of over [eighty] two hundred fifty thousand dollars, if an installment of tax due and payable is not paid by July first or January first, interest shall be imposed on such unpaid amounts.

§9. Subdivision c of section 11-224.1 of the administrative code of the city of New York, as added by local law 62 for the year 2005, is amended to read as follows:

- (c) Interest rates on tax due and payable on or after July first, two thousand five.

If the council does not adopt interest rates, the rates shall be (a) for real property with an

assessed value of [eighty] two hundred fifty thousand dollars or less, seven percent per annum; and (b) for real property with an assessed value of over [eighty] two hundred fifty thousand dollars, fifteen percent per annum.

§10. Subdivision e of section 11-224.1 of the administrative code of the city of New York, as added by local law 62 for the year 2005, is amended to read as follows:

e) Council adopted rates. By May twenty-fifth of each year, the banking commission shall send a written recommendation to the council of a proposed interest rate to be charged for nonpayment of taxes on real property. The commission shall consider the prevailing interest rates charged for commercial loans extended to prime borrowers by commercial banks operating in the city and:

(i) for real property with an assessed value of [eighty] two hundred fifty thousand dollars or less, shall propose a rate at least equal to such prevailing prime rate;

(ii) for real property with an assessed value of over [eighty] two hundred fifty thousand dollars, shall propose a rate of at least six percent per annum greater than such prevailing prime rate.

The council may by resolution adopt interest rates to be applicable to the aforementioned properties and may specify in such resolution the date that such rates will take effect.

§11. Subdivision g of section 11-224.1 of the administrative code of the city of New York, as added by local law 62 for the year 2005, is amended to read as follows:

(g) For purposes of this section, property held in the cooperative form of ownership shall not be deemed to have an assessed value of over [eighty] two hundred fifty thousand dollars if the property's assessed value divided by the number of residential dwelling units is [eighty] two hundred fifty thousand dollars or less per unit.

§12. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of December 1, 2008.

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