

STATE OF NEW YORK
COMMISSIONER OF TAXATION AND FINANCE

ADVISORY OPINION PETITION NO. S170705A

The Department of Taxation and Finance received a Petition for an Advisory Opinion from [REDACTED] (“Petitioner”). Petitioner asks whether sales tax applies to the sub-contracted floor and carpet cleaning services it provides to a variety of businesses.

We conclude that Petitioner’s rug and carpet cleaning services are exempt from sales tax, but other cleaning services and floor repair services are subject to sales tax.

Facts

Petitioner provides floor and window cleaning services through subcontractors to retail stores, corporate offices and restaurants. Petitioner’s subcontracted crews go to customer locations to clean carpets using stain removers, a neutral cleaner and water extraction. Petitioner’s floor cleaning work involves a variety of products to “clean, restore and/or repair floors.”

Analysis

Maintaining, servicing and repairing tangible personal property and real property generally are subject to sales tax. *See* Tax Law §1105 (c)(3) and (5). Tax Law §1105(c)(3)(ii) excludes the services of laundering and dry cleaning. The Department has interpreted this exclusion to include the services of cleaning rugs, wall-to-wall carpeting, draperies and upholstery. *See* TSB-A-08(8)S; TSB-A-94(8)S; TSB-A-87(42)S; TB-ST-740.

Petitioner’s rug and carpet cleaning services are within this exclusion and are not subject to sales tax if the charge for those services are separately stated from other cleaning services and the separately-stated charge for rug or carpet cleaning is reasonable in relation to the overall charge. Petitioner’s other cleaning services, including window cleaning and cleaning of uncarpeted floors, and any repair services it performs, are subject to sales tax. *See* TB-ST-740; Publication 862, *Sales and Use Tax Classifications of Capital Improvements and Repairs to Real*

Property (repair, maintenance or partial replacement of flooring and cleaning, stripping, sanding, waterproofing, painting, staining, varnishing and waxing existing floors are subject to sales tax).

DATED: August 20, 2018

/S/

DEBORAH R. LIEBMAN

Deputy Counsel

NOTE: An Advisory Opinion is issued at the request of a person or entity. It is limited to the facts set forth therein and is binding on the Department only with respect to the person or entity to whom it is issued and only if the person or entity fully and accurately describes all relevant facts. An Advisory Opinion is based on the law, regulations, and Department policies in effect as of the date the Opinion is issued or for the specific time period at issue in the Opinion. The information provided in this document does not cover every situation and is not intended to replace the law or change its meaning.