

1980 Legislation

Chapter 252 of the Laws of 1980 - Effective September 1, 1980

The definition of "permanent resident" has been modified for purposes of the sales and use tax imposed on hotel occupancy in New York City. Under section 1107 of the Tax Law, a "permanent resident" must now be an occupant of a hotel room or rooms for at least 180 consecutive days. For statewide tax purposes and local taxes imposed outside New York City, an occupant qualifies as a "permanent resident" after 90 consecutive days of occupancy.

If a person occupying a room or rooms in a hotel within New York City, has not completed at least 90 consecutive days of occupancy prior to September 1, 1980, he must now complete an additional 90 days of continuous occupancy before he is considered a "permanent resident" for local sales tax purposes. For example, if his first day of occupancy began after June 3, 1980, he must remain in continuous occupancy for at least 180 consecutive days, in order to qualify as a "permanent resident."

A "permanent resident" in a hotel or similar establishment is not required to pay sales tax on room rental charges. Once permanent residency has been established, the occupant is entitled to a refund of the sales tax paid prior to establishing such residency.

Therefore, when a room occupant within the City of New York has completed 90 consecutive days of occupancy, he is entitled to a refund of the 4% statewide sales tax paid on the hotel rental charges. Furthermore, upon completion of 180 consecutive days of occupancy, he may also obtain a refund of the 4% local sales tax.

\* \* \* \* \*

Chapter 684 of the Laws of 1980 - Effective June 30, 1980

Section 1115(a)(6) has been amended to include graping, viniculture and viticulture in the definition of farming. In addition, trellises, posts, and wires used in erecting and maintaining trellises are now exempt from sales and use tax when these items are used in production of farm products for sale.