

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

TSB-M-94 (4) S
Sales Tax
June 20, 1994

Important Notice

**Repeal of Hudson River Valley Greenway Fee
and Special Hotel Occupancy Tax**

Effective July 1, 1994

Effective September 1, 1994

**Repeal of the
Hudson River Valley Greenway Fee**

The two-tenths of one percent (.2%) Hudson River Valley Greenway Fee is repealed effective July 1, 1994.

Since this repeal is effective July 1, 1994, you must collect and report the tax for the period June 1 through June 30, 1994. Therefore, the quarterly Schedule A (Form ST-100.2 or ST-810.2) that covers the period beginning June 1, 1994, will still have a line for this fee, as will the annual Schedule A (Form ST-101.2) that covers the period June 1, 1994, through May 31, 1995. However, beginning September 1, 1994, the quarterly Schedule A will no longer contain a line for this fee.

Transitional Provisions

Charges for occupancy that occurs before July 1, 1994, are subject to the tax even though billed or paid later. Charges for occupancy that occurs on or after July 1, 1994, are not subject to the tax even though prepaid. When charges for occupancy are billed on other than a daily basis, the fee applies only to that portion of the charge that covers the days prior to July 1, 1994. If a guest has prepaid the Greenway fee for occupancy occurring on or after July 1, 1994, that fee is refundable.

Credits or Refunds for Permanent Residents

The .2% Hudson River Valley Greenway Fee which was paid by the occupant before July 1, 1994, is refundable when the occupant becomes a permanent resident of the hotel (when continuous occupancy reaches 90 days). However, if the 90 days continuous occupancy has not occurred prior to July 1, 1994, no portion of the tax collected can be refunded to the occupant until the full 90 days of continuous occupancy occurs. At that time, the operator of the hotel can refund the tax to the occupant and claim a credit on the next tax return the operator files for the hotel; or the occupant can apply directly to the Tax Department for a refund by filing Form AU-11, *Application for Credit or Refund*, within three years of the date the tax was payable to the department by the hotel. As the quarterly returns for the period beginning September 1, 1994, will no longer have a line on Schedule A to report the fee collected, the credits must be taken on page one of the sales tax return. Substantiating documentation identifying the credit as a credit pertaining to this fee must be attached to the return.

**Repeal of the
Special Hotel Occupancy Tax**

The 5% special hotel occupancy tax is repealed effective September 1, 1994. This tax is currently imposed on every charge for occupancy of a room or suite of rooms in a hotel located in New York State where the charge for occupancy is at the rate of \$100 or more per day.

Since the repeal is effective September 1, 1994, the quarterly Schedule A (Form ST-100.2 or ST-810.2) that covers the period beginning September 1, 1994, will no longer have a line for this tax. However, since the annual return covers the period June 1, 1994, through May 31, 1995, the annual Schedule A (Form ST-101.2) will still have a line for reporting the special hotel occupancy tax for June 1, 1994, through August 31, 1994.

Transitional Provisions

Charges for occupancy that occurs before September 1, 1994, are subject to the tax even though billed or paid later. Charges for occupancy that occurs on or after September 1, 1994, are not subject to the tax even though prepaid. When charges for occupancy are billed on other than a daily basis, the tax applies only to that portion of the charge that covers the days prior to September 1, 1994. If a guest has prepaid the special hotel occupancy tax for occupancy occurring on or after September 1, 1994, that tax is refundable.

Credits or Refunds for Permanent Residents

The 5% special hotel occupancy tax which was paid by the occupant before September 1, 1994, is refundable when the occupant becomes a permanent resident of the hotel (when continuous occupancy reaches 90 days). However, if the 90 days continuous occupancy has not occurred prior to September 1, 1994, no portion of the tax collected can be refunded to the occupant until the full 90 days of continuous occupancy occurs. At that time, the operator of the hotel can refund the tax to the occupant and claim a credit on the next tax return filed for the hotel; or the occupant can apply directly to the Tax Department for a refund by filing Form AU-11, *Application for Credit or Refund*, within three years of the date the tax was payable to the department by the hotel. As the quarterly returns for the period beginning September 1, 1994, will no longer have a line on Schedule A to report tax collected, the credits must be taken on page one of the sales tax return. Substantiating documentation identifying the credit as a credit pertaining to the special tax must be attached to the return.

Need Help?

For forms or publications, call toll free (from New York State only) 1 800 462-8100. From areas outside New York State, call (518) 438-1073.

For information, call the Business Tax information Center toll free (from the continental U.S. only) 1 800 972-1233. You can also call toll free (from New York State only) 1 800 CALL TAX (1 800 225-5829). From areas outside New York State, call (518) 438-8581.

Telephone assistance is available from 8:30 a.m. to 4:25 p.m., Monday through Friday.

Persons with Disabilities - In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call the information and assistance numbers listed above.

Hotline for the Hearing and Speech Impaired - If you have a hearing or speech impairment and have access to a telecommunications device for the deaf (TDD), you can get answers to your New York State tax questions by calling our toll-free hotline 1 800 634-2110 (within New York State). Hours of operation are from 9:00 a.m. to 4:15 p.m., Monday through Friday. If you do not own a TDD, check with independent living centers or community action programs to find out where machines are available for public use.

If you need to write, address your letter to: NYS Tax Department, Taxpayer Assistance Bureau, W A Harriman Campus, Albany NY 12227.