



Department of Taxation and Finance

Important:

The information on the state and/or local exemptions for clothing and footwear in this TSB-M is out-of-date and cannot be relied upon.

For the most up-to-date information on state and local sales and use tax rates on clothing and footwear, see [Find sales tax rates](#).

For a detailed list of exempt and taxable items, see [Lists of Exempt and Taxable Clothing, Footwear, and Items Used to Make or Repair Exempt Clothing](#).

The TSB-M begins on page 2 below.

Local New York City Sales and Use Tax Exemption
of Clothing, Footwear, and Items Used to
Make or Repair Exempt Clothing

Governor Pataki recently signed into law Chapters 241 and 285 of the Laws of 2005. As a result of this legislation, beginning September 1, 2005, all clothing and footwear, and items used to make or repair exempt clothing, **costing less than \$110 per item or pair**, will be exempt from the 4% New York City local sales and use taxes. This year-round exemption in New York City does not apply to the New York State sales and use taxes, to any other local sales and use taxes, or to the sales and use taxes imposed by the state in the Metropolitan Commuter Transportation District (MCTD), which includes New York City.

It should be noted that there are two seven-day exemption periods from state and certain local sales and use taxes on clothing and footwear: August 30, 2005, through Labor Day, September 5, 2005, and January 30, 2006, through February 5, 2006. During these periods, eligible clothing and footwear and items used to make or repair exempt clothing will also be exempt from the 4% New York State sales and use taxes and the $\frac{3}{8}$ % MCTD sales and use taxes on purchases within New York City. (Please see TSB-M-05(8.1)S, *Temporary Sales and Use Tax Exemption of Clothing and Footwear, Tuesday, August 30, 2005, through Labor Day, Monday, September 5, 2005 (Exemption within counties and cities)*, for a list of counties and cities in other parts of New York State where the clothing and footwear sales and use tax exemption applies to the state 4% rate and to various local sales tax rates during the two seven-day exemption periods.)

Therefore, during these two seven-day exemption periods, purchases in New York City of clothing and footwear and items used to make or repair exempt clothing, costing less than \$110 per item or pair, will be fully exempt from tax. Outside of these two seven-day exemption periods, purchases of these items in New York City will be exempt from the 4% local tax in New York City, but will remain subject to the 4% state sales and use taxes and the $\frac{3}{8}$ % MCTD sales and use taxes. Aside from these two seven-day exemption periods, purchases of these items outside New York City will be fully taxable.

New York City is made up of the following counties, with borough names shown in parentheses: Bronx (Bronx), Kings (Brooklyn), New York (Manhattan), Queens (Queens), and Richmond (Staten Island).

TSB-M-05(8)S, *Temporary Sales and Use Tax Exemption of Clothing, Footwear, and Items Used to Make or Repair Exempt Clothing (Seven-day exemption period - August 30, 2005, through September 5, 2005)*, provides a list of exempt and taxable items, as well as a description of the clothing and footwear exemption, which can be used as a guide for purposes of the New York City local sales and use tax exemption. TSB-M-05(8)S also lists the limitations that apply to the exemption.