

3479--A

2013-2014 Regular Sessions

I N   S E N A T E

February 4, 2013

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law and the administrative code of the city of New York, in relation to the liability of referees for interest and penalties in connection with transfer taxes on deeds

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The tax law is amended by adding a new section 1422 to read  
2 as follows:

3     S 1422. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A  
4 TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A  
5 FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE  
6 OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTER-  
7 EST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE  
8 THIRTY-SEVEN OF THIS CHAPTER.

9     S 2. The tax law is amended by adding a new section 1437 to read as  
10 follows:

11     S 1437. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A  
12 TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A  
13 FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE  
14 OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTER-  
15 EST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE  
16 THIRTY-SEVEN OF THIS CHAPTER.

17     S 3. The tax law is amended by adding a new section 1438-p to read as  
18 follows:

19     S 1438-P. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A  
20 TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A  
21 FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE  
22 OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTER-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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EST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE THIRTY-SEVEN OF THIS CHAPTER.

S 4. Article 31-A-2 of the tax law, as added by chapter 556 of the laws of 2007, is amended by adding a new section 1439-p to read as follows:

S 1439-P. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTEREST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE THIRTY-SEVEN OF THIS CHAPTER.

S 5. Article 31-A-2 of the tax law, as added by chapter 543 of the laws of 2007, is amended by adding a new section 1439-p to read as follows:

S 1439-P. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTEREST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE THIRTY-SEVEN OF THIS CHAPTER.

S 6. Article 31-A-2 of the tax law, as added by chapter 544 of the laws of 2007, is amended by adding a new section 1439-p to read as follows:

S 1439-P. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTEREST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE THIRTY-SEVEN OF THIS CHAPTER.

S 7. The tax law is amended by adding a new section 1439-pp to read as follows:

S 1439-PP. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTEREST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE THIRTY-SEVEN OF THIS CHAPTER.

S 8. The tax law is amended by adding a new section 1447-a to read as follows:

S 1447-A. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTEREST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE THIRTY-SEVEN OF THIS CHAPTER.

S 9. The tax law is amended by adding a new section 1448-v to read as follows:

S 1448-V. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTEREST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE THIRTY-SEVEN OF THIS CHAPTER.

S 10. The tax law is amended by adding a new section 1449-u to read as follows:

1 S 1449-U. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A  
2 TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A  
3 FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE  
4 OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTER-  
5 EST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE  
6 THIRTY-SEVEN OF THIS CHAPTER.

7 S 11. The tax law is amended by adding a new section 1449-pp to read  
8 as follows:

9 S 1449-PP. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A  
10 TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A  
11 FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE  
12 OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTER-  
13 EST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE  
14 THIRTY-SEVEN OF THIS CHAPTER.

15 S 12. The tax law is amended by adding a new section 1449-ppp to read  
16 as follows:

17 S 1449-PPP. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF  
18 A TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A  
19 FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE  
20 OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTER-  
21 EST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE  
22 THIRTY-SEVEN OF THIS CHAPTER.

23 S 13. The tax law is amended by adding a new section 1449-pppp to read  
24 as follows:

25 S 1449-PPPP. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF  
26 A TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A  
27 FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE  
28 OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTER-  
29 EST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE  
30 THIRTY-SEVEN OF THIS CHAPTER.

31 S 14. The tax law is amended by adding a new section 1449-ppppp to  
32 read as follows:

33 S 1449-PPPPP. FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS  
34 OF A TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A  
35 FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE  
36 OR SHERIFF EFFECTUATING SUCH TRANSFER SHALL NOT BE LIABLE FOR ANY INTER-  
37 EST OR PENALTIES THAT ARE AUTHORIZED PURSUANT TO THIS ARTICLE OR ARTICLE  
38 THIRTY-SEVEN OF THIS CHAPTER.

39 S 15. Section 1240 of the tax law, as added by chapter 93 of the laws  
40 of 1965, is amended to read as follows:

41 S 1240. Administration and collection. The taxes authorized under  
42 sections twelve hundred one through twelve hundred four OF THIS ARTICLE  
43 which are now imposed shall continue to be administered and collected by  
44 the fiscal or other officers of the city, county or school district in  
45 the same manner as such taxes have been administered and collected by  
46 such officers immediately prior to the enactment of this article, in  
47 accordance with the applicable provisions of the charter, administrative  
48 code, local law, ordinance or resolution then in force, with such amend-  
49 ments in respect to administration and collection as may be enacted.  
50 Taxes authorized under sections twelve hundred one through twelve  
51 hundred four OF THIS ARTICLE which may hereafter be imposed by a city,  
52 county or school district shall be administered and collected in such  
53 manner as may be provided in its charter, administrative code, local  
54 laws, ordinances or resolutions, with such amendments in respect to  
55 administration and collection as may be enacted. NOTWITHSTANDING ANY  
56 OTHER PROVISION OF LAW TO THE CONTRARY, THE AUTHORIZATION TO IMPOSE TAX

1 UPON THE TRANSFER OF REAL PROPERTY PURSUANT TO SUBDIVISION (B) OF  
2 SECTION TWELVE HUNDRED ONE OF THIS ARTICLE, SHALL NOT, WHEN THE CONVEY-  
3 ANCE CONSISTS OF A TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF  
4 THE COURT IN A FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPER-  
5 TY, INCLUDE THE AUTHORIZATION TO IMPOSE CIVIL OR CRIMINAL PENALTIES,  
6 INTEREST, OR OTHER LIABILITY UPON THE REFEREE OR SHERIFF EFFECTUATING  
7 THE TRANSFER.

8 S 16. The administrative code of the city of New York is amended by  
9 adding a new section 11-2119 to read as follows:

10 S 11-2119 FORECLOSURE PROCEEDINGS. WHERE THE CONVEYANCE CONSISTS OF A  
11 TRANSFER OF PROPERTY MADE AS A RESULT OF AN ORDER OF THE COURT IN A  
12 FORECLOSURE PROCEEDING ORDERING THE SALE OF SUCH PROPERTY, THE REFEREE  
13 OR SHERIFF EFFECTUATING THE TRANSFER SHALL NOT BE LIABLE FOR ANY INTER-  
14 EST OR PENALTIES AUTHORIZED BY THIS CHAPTER OR CHAPTER FORTY OF THIS  
15 TITLE.

16 S 17. This act shall take effect immediately; provided, however, that  
17 the amendment to article 31-A-1 of the tax law made by section three of  
18 this act shall not affect the repeal of such article and shall be deemed  
19 to repeal therewith; that the amendment to article 31-A-2 of the tax  
20 law, as added by chapter 556 of the laws of 2007, made by section four  
21 of this act shall not affect the repeal of such article and shall be  
22 deemed to repeal therewith; that the amendment to article 31-A-2 of the  
23 tax law, as added by chapter 543 of the laws of 2007, made by section  
24 five of this act shall not affect the repeal of such article and shall  
25 be deemed to repeal therewith; that the amendment to article 31-A-2 of  
26 the tax law, as added by chapter 544 of the laws of 2007, made by  
27 section six of this act shall not affect the repeal of such article and  
28 shall be deemed repeal therewith; that the amendment to article 31-A-3  
29 of the tax law made by section seven of this act shall not affect the  
30 repeal of such article and shall be deemed to repeal therewith; that the  
31 amendment to article 31-B of the tax law made by section eight of this  
32 act shall not affect the repeal of such article and shall be deemed to  
33 repeal therewith; that the amendment to article 31-D of the tax law made  
34 by section eleven of this act shall not affect the repeal of such arti-  
35 cle and shall be deemed to repeal therewith; that the amendment to arti-  
36 cle 31-F of the tax law made by section thirteen of this act shall not  
37 affect the repeal of such article and shall be deemed to repeal there-  
38 with.