S T A T E O F N E W Y O R K

1256

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. LANCMAN -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to enacting the "bad loan escape act"

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

Section 1. This act shall be known and may be cited as the "bad loan escape act".

S 2. The tax law is amended by adding a new section 253-x to read as follows:

S 253-X. EXEMPT MUNICIPAL MORTGAGE TAX FOR REFINANCES. 1. EVERY MUNICIPALITY WHICH HAS ENACTED A LOCAL MORTGAGE TAX OR RECORDING TAX PURSUANT TO THE PROVISIONS OF THIS ARTICLE SHALL GRANT AN EXEMPTION UP TO THE AMOUNT OF THE ORIGINAL MORTGAGE FROM SUCH TAX WHERE THE MORTGAGOR IS REFINANCING HIS OR HER REAL PROPERTY.

2. THE COMMISSIONER SHALL PROMULGATE NECESSARY AND ADVISABLE RULES AND REGULATIONS TO ESTABLISH GROUNDS FOR QUALIFICATIONS, PROOF AND PROCEDURE NECESSARY FOR A MORTGAGOR TO OBTAIN SUCH EXEMPTION.

S 3. This act shall take effect immediately; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

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

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