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

1582--A

Cal. No. 85

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Judiciary -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

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

S 1422. 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 2. The tax law is amended by adding a new section 1437 to read as follows:

S 1437. 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 3. The tax law is amended by adding a new section 1438-p to read as follows:

S 1438-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 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:

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

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

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

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

S 1449-PPPPP. 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 15. Section 1240 of the tax law, as added by chapter 93 of the laws of 1965, is amended to read as follows:

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

UPON THE TRANSFER OF REAL PROPERTY PURSUANT TO SUBDIVISION (B) OF SECTION TWELVE HUNDRED ONE OF THIS ARTICLE, SHALL NOT, WHEN 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, INCLUDE THE AUTHORIZATION TO IMPOSE CIVIL OR CRIMINAL PENALTIES, INTEREST, OR OTHER LIABILITY UPON THE REFEREE OR SHERIFF EFFECTUATING THE TRANSFER.

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

S 11-2119 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 THE TRANSFER SHALL NOT BE LIABLE FOR ANY INTEREST OR PENALTIES AUTHORIZED BY THIS CHAPTER OR CHAPTER FORTY OF THIS TITLE.

S 17. This act shall take effect immediately; provided, however, that the amendment to article 31-A-1 of the tax law made by section three of this act shall not affect the repeal of such article and shall be deemed to repeal therewith; that the amendment to article 31-A-2 of the tax law, as added by chapter 556 of the laws of 2007, made by section four of this act shall not affect the repeal of such article and shall be deemed to repeal therewith; that the amendment to article 31-A-2 of the tax law, as added by chapter 543 of the laws of 2007, made by section five of this act shall not affect the repeal of such article and shall be deemed to repeal therewith; that the amendment to article 31-A-2 of the tax law, as added by chapter 544 of the laws of 2007, made by section six of this act shall not affect the repeal of such article and shall be deemed repeal therewith; that the amendment to article 31-A-3 of the tax law made by section seven of this act shall not affect the repeal of such article and shall be deemed to repeal therewith; that the amendment to article 31-B of the tax law made by section eight of this act shall not affect the repeal of such article and shall be deemed to repeal therewith; that the amendment to article 31-D of the tax law made by section eleven of this act shall not affect the repeal of such article and shall be deemed to repeal therewith; that the amendment to article 31-F of the tax law made by section thirteen of this act shall not affect the repeal of such article and shall be deemed to repeal therewith.