

7442

I N S E N A T E

May 2, 2016

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and
when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, the public authorities law,
and the tax law, in relation to certain recording taxes

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

1 Section 1. Subdivision 1 of section 874 of the general municipal law,
2 as added by chapter 1030 of the laws of 1969, is amended to read as
3 follows:
4 (1) It is hereby determined that the creation of the agency and the
5 carrying out of its corporate purposes is in all respects for the bene-
6 fit of the people of the state of New York and is a public purpose, and
7 the agency shall be regarded as performing a governmental function in
8 the exercise of the powers conferred upon it by this title and shall be
9 required to pay no taxes or assessments upon any of the property
10 acquired by it or under its jurisdiction or control or supervision or
11 upon its activities. PROVIDED, HOWEVER, IF THE AGENCY IS LOCATED WITHIN
12 A TRANSPORTATION DISTRICT REFERENCED IN PARAGRAPH (A) OF SUBDIVISION TWO
13 OF SECTION TWO HUNDRED FIFTY-THREE OF THE TAX LAW, IT SHALL NOT BE
14 EXEMPT FROM THE ADDITIONAL TAX ON EACH MORTGAGE OF REAL PROPERTY SITU-
15 ATED WITHIN THE STATE IMPOSED BY SUCH PARAGRAPH.
16 S 2. Subdivision 1 of section 1963 of the public authorities law, as
17 added by chapter 759 of the laws of 1967, is amended to read as follows:
18 1. It is hereby determined that the creation of the authority and the
19 carrying out of its corporate purposes is in all respects for the bene-
20 fit of the people of the city and its environs, and is a public purpose,
21 and the authority shall be regarded as performing a governmental func-
22 tion in the exercise of the powers conferred upon it by this title and
23 shall be required to pay no taxes or assessments upon any of the proper-
24 ty acquired by it or under its jurisdiction or control or supervision or
25 upon its activities. PROVIDED, HOWEVER, IF THE AUTHORITY IS LOCATED
26 WITHIN A TRANSPORTATION DISTRICT REFERENCED IN PARAGRAPH (A) OF SUBDIVI-
27 SION TWO OF SECTION TWO HUNDRED FIFTY-THREE OF THE TAX LAW, IT SHALL NOT

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

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1 BE EXEMPT FROM THE ADDITIONAL TAX ON EACH MORTGAGE OF REAL PROPERTY
2 SITUATED WITHIN THE STATE IMPOSED BY SUCH PARAGRAPH.

3 S 3. Subdivision 1 of section 2326 of the public authorities law, as
4 added by chapter 915 of the laws of 1969, is amended to read as follows:

5 1. It is hereby determined that the creation of the authority and the
6 carrying out of its corporate purposes is in all respects for the bene-
7 fit of the people of the city and its environs, and is a public purpose,
8 and the authority shall be regarded as performing a governmental func-
9 tion in the exercise of the powers conferred upon it by this title and
10 shall be required to pay no taxes or assessments upon any of the proper-
11 ty acquired by it or under its jurisdiction or control or supervision or
12 upon its activities. PROVIDED, HOWEVER, IF THE AUTHORITY IS LOCATED
13 WITHIN A TRANSPORTATION DISTRICT REFERENCED IN PARAGRAPH (A) OF SUBDIVI-
14 SION TWO OF SECTION TWO HUNDRED FIFTY-THREE OF THE TAX LAW, IT SHALL NOT
15 BE EXEMPT FROM THE ADDITIONAL TAX ON EACH MORTGAGE OF REAL PROPERTY
16 SITUATED WITHIN THE STATE IMPOSED BY SUCH PARAGRAPH.

17 S 4. Section 252 of the tax law, as amended by chapter 671 of the laws
18 of 1989, is amended to read as follows:

19 S 252. Exemptions. (1) No mortgage of real property situated within
20 this state shall be exempt, and no person or corporation owning any debt
21 or obligation secured by mortgage of real property situated within this
22 state shall be exempt, from the taxes imposed by this article by reason
23 of anything contained in any other statute, except as provided in
24 section three hundred thirty-nine-ee of the real property law, or by
25 reason of any provision in any private act or charter which is subject
26 to amendment or repeal by the legislature, or by reason of non-residence
27 within this state or for any other cause, except that mortgages of real
28 property situated within this state transferred, assigned or made to
29 Home Owners' Loan Corporation, a corporation created under an act of
30 congress, known as home owners' loan act of nineteen hundred and thir-
31 ty-three, or to a agricultural credit association or federal home loan
32 bank, shall be exempt, and said corporation or institution owning any
33 debt or obligation secured by mortgage of real property situated within
34 this state, shall be exempt from the taxes imposed by this article and
35 except that mortgages of real property situated within this state
36 executed, given or made prior to June first, nineteen hundred thirty-
37 four by any public benefit corporation created under the laws of this
38 state for the purpose of maintaining and operating a public park and
39 public recreation center shall be exempt, and any person or corporation
40 owning any debt or obligation of any such public benefit corporation
41 secured by such a mortgage of its real property situated within this
42 state, shall be exempt from the taxes imposed by this article, and
43 except that mortgages of real property situated within this state which
44 are executed, given or made subsequent to June seventh, nineteen hundred
45 thirty-four and which are substituted for other mortgages as a part of
46 and in compliance with a plan of reorganization pursuant to the
47 provisions of section seventy-seven-b of the federal bankruptcy act, are
48 and shall be exempt from taxes imposed by this article to an amount not
49 exceeding the amount of such mortgage indebtedness outstanding at the
50 time of the consummation of such reorganization, and any person or
51 corporation owning any debt or obligation secured by such a mortgage of
52 real property situated within this state is and shall be exempt from the
53 taxes imposed by this article, and except that mortgages of real proper-
54 ty situated within this state which are executed, given or made by a
55 railroad redevelopment corporation during the first nine years of its
56 existence as such are and shall be exempt from the taxes imposed by this

1 article and any person or corporation owning any debt or obligation
2 secured by such a mortgage of real property situated within this state
3 is and shall be exempt from the taxes imposed by this article.

4 (2) NOTWITHSTANDING ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW
5 AND TITLES ELEVEN AND FIFTEEN OF ARTICLE EIGHT OF THE PUBLIC AUTHORITIES
6 LAW, NO MORTGAGE OF REAL PROPERTY SITUATED WITHIN THE STATE IN COUNTIES
7 LOCATED WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT, THE
8 NIAGARA FRONTIER TRANSPORTATION DISTRICT, THE ROCHESTER-GENESEE TRANS-
9 PORTATION DISTRICT, THE CAPITAL DISTRICT TRANSPORTATION DISTRICT, AND
10 THE CENTRAL NEW YORK REGIONAL TRANSPORTATION DISTRICT EXECUTED, GIVEN,
11 MADE, OR TRANSFERRED OR ASSIGNED BY OR TO AN AGENCY CREATED UNDER ARTI-
12 CLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, AN AUTHORITY CREATED UNDER
13 TITLE ELEVEN OR FIFTEEN OF ARTICLE EIGHT OF THE PUBLIC AUTHORITIES LAW,
14 AN AGENT OR AGENT OF SUCH AGENT OF SUCH AGENCY OR AUTHORITY, A PROJECT
15 OPERATOR RECEIVING FINANCIAL ASSISTANCE FROM SUCH AGENCY OR AUTHORITY, A
16 PROJECT OCCUPANT OF SUCH AGENCY OR AUTHORITY, OR AN OWNER OF A PROJECT
17 RECEIVING FINANCIAL ASSISTANCE FROM SUCH AGENCY OR AUTHORITY SHALL BE
18 EXEMPT FROM THE ADDITIONAL TAX IMPOSED BY PARAGRAPH (A) OF SUBDIVISION
19 TWO OF SECTION TWO HUNDRED FIFTY-THREE OF THIS ARTICLE. FOR THE PURPOSES
20 OF THIS SUBDIVISION THE TERM "FINANCIAL ASSISTANCE" SHALL HAVE THE SAME
21 MEANING AS DEFINED IN SECTION EIGHT HUNDRED FIFTY-FOUR OF THE GENERAL
22 MUNICIPAL LAW.

23 S 5. Paragraph (a) of subdivision 2 of section 253 of the tax law, as
24 amended by section 2 of part A of chapter 63 of the laws of 2005, is
25 amended to read as follows:

26 (a) In addition to the taxes imposed by subdivisions one and one-a of
27 this section, there shall be imposed on each mortgage of real property
28 situated within the state recorded on or after the first day of July,
29 nineteen hundred sixty-nine, an additional tax of twenty-five cents for
30 counties outside of the metropolitan commuter transportation district,
31 as defined pursuant to section twelve hundred sixty-two of the public
32 authorities law, and thirty cents for counties within such metropolitan
33 commuter transportation district for each one hundred dollars and each
34 remaining major fraction thereof of principal debt or obligation which
35 is, or under any contingency may be secured at the date of execution
36 thereof or at any time thereafter by such mortgage, saving and excepting
37 the first ten thousand dollars of such principal debt or obligation in
38 any case in which the related mortgage is of real property principally
39 improved or to be improved by a one or two family residence or dwelling.
40 All the provisions of this article shall apply with respect to the addi-
41 tional tax imposed by this subdivision to the same extent as if it were
42 imposed by the said subdivision one of this section, except as otherwise
43 expressly provided in this article. NOTWITHSTANDING ARTICLE EIGHTEEN-A
44 OF THE GENERAL MUNICIPAL LAW AND TITLES ELEVEN AND FIFTEEN OF ARTICLE
45 EIGHT OF THE PUBLIC AUTHORITIES LAW, NO MORTGAGE OF REAL PROPERTY SITU-
46 ATED WITHIN THE STATE IN COUNTIES LOCATED WITHIN THE METROPOLITAN COMMU-
47 TER TRANSPORTATION DISTRICT, THE NIAGARA FRONTIER TRANSPORTATION
48 DISTRICT, THE ROCHESTER-GENESEE TRANSPORTATION DISTRICT, THE CAPITAL
49 DISTRICT TRANSPORTATION DISTRICT, AND THE CENTRAL NEW YORK REGIONAL
50 TRANSPORTATION DISTRICT EXECUTED, GIVEN, MADE, OR TRANSFERRED OR
51 ASSIGNED BY OR TO AN AGENCY CREATED UNDER ARTICLE EIGHTEEN-A OF THE
52 GENERAL MUNICIPAL LAW, AN AUTHORITY CREATED UNDER TITLE ELEVEN OR
53 FIFTEEN OF ARTICLE EIGHT OF THE PUBLIC AUTHORITIES LAW, AN AGENT OR
54 AGENT OF SUCH AGENT OF SUCH AGENCY OR AUTHORITY, A PROJECT OPERATOR
55 RECEIVING FINANCIAL ASSISTANCE FROM SUCH AGENCY OR AUTHORITY, A PROJECT
56 OCCUPANT OF SUCH AGENCY OR AUTHORITY, OR AN OWNER OF A PROJECT RECEIVING

1 FINANCIAL ASSISTANCE FROM SUCH AGENCY OR AUTHORITY SHALL BE EXEMPT FROM
2 THE ADDITIONAL TAX IMPOSED BY THIS SUBDIVISION. FOR THE PURPOSES OF THIS
3 SUBDIVISION THE TERM "FINANCIAL ASSISTANCE" SHALL HAVE THE SAME MEANING
4 AS DEFINED IN SECTION EIGHT HUNDRED FIFTY-FOUR OF THE GENERAL MUNICIPAL
5 LAW. The imposition of this additional tax on mortgages recorded in a
6 county outside the city of New York, other than one of the counties from
7 time to time comprising the metropolitan commuter transportation
8 district, the Niagara Frontier transportation district, the Rochester-
9 Genesee transportation district, the capital district transportation
10 district or the central New York regional transportation district may be
11 suspended for a specified period of time or without limitation as to
12 time by a local law, ordinance or resolution duly adopted by the local
13 legislative body of such county.
14 S 6. This act shall take effect immediately.