

STATE OF NEW YORK

6429

2017-2018 Regular Sessions

IN SENATE

May 18, 2017

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to the allocation of mortgage recording tax in the town of Ossining, county of Westchester

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 261 of the tax law, as amended by
2 chapter 287 of the laws of 2006, is amended to read as follows:

3 3. On or before the tenth day of each month the recording officer of
4 each county shall pay over to the county treasurer of said county, and
5 in the counties of New York, Kings, Queens, Richmond and Bronx to the
6 commissioner of finance of the city of New York for credit to the gener-
7 al fund of such city, the balance of the moneys received during the
8 preceding month upon account of taxes paid to him or her as herein
9 prescribed, after deducting the necessary expenses of his or her office
10 as provided in section two hundred sixty-two of this article, except
11 taxes paid upon mortgages which under the provisions of section two
12 hundred sixty of this article are first to be apportioned by the commis-
13 sioner, which taxes and money shall be paid over by the commissioner of
14 finance of the city of New York as provided by the determination of the
15 commissioner. In each county not within the city of New York, the whole
16 of the net amount of such balance, after the deduction by the county
17 treasurer of the necessary expenses of his or her office provided in
18 section two hundred sixty-two of this article, shall be held by him or
19 her and shall be allocated to the tax districts of the county according
20 to the location of the real property covered by the respective mortgages
21 upon which the tax was collected. The recording officer and county trea-
22 surer shall prepare a joint semi-annual report on or before May
23 fifteenth and on or before November fifteenth in each year showing the
24 amounts to be credited to each tax district of the county of the moneys

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

LBD10478-01-7

1 collected under this article during the preceding periods of six months
2 each which ended respectively on March thirty-first and September thir-
3 tieth. Such report shall be made in duplicate in accordance with the
4 rules and regulations of the commissioner and filed with the clerk of
5 the board of supervisors and the commissioner. The board of supervisors,
6 on or before the fifteenth day of June and on or before the fifteenth
7 day of December in each year, shall issue its warrant for the payment to
8 the respective tax districts of the amounts so credited, provided,
9 however, that in a county in which a town contains within its limits an
10 incorporated village, or portion thereof, the board of supervisors shall
11 apportion to such village so much of the share credited to the town as
12 the assessed value of said village or portion thereof bears to twice the
13 total assessed valuation of the town, and provided, further, that, at
14 the option of the governing board of the county, the county may instead
15 prepare and file such a joint report and make such payments on a monthly
16 or quarterly basis. Where the county elects to make monthly payments,
17 the recording officer and county treasurer shall prepare a joint report
18 on or before the fifteenth day of each month showing the amounts to be
19 credited to each tax district of the county and the moneys collected
20 under this article for the month preceding the most recently concluded
21 month, and the board of supervisors shall issue its warrant for payment
22 on or before the fifteenth day of the following month. Where the county
23 elects to make quarterly payments, the recording officer and county
24 treasurer shall prepare such a joint report on or before the fifteenth
25 day of May, August, November, and February, showing the amounts to be
26 credited to each tax district of the county of moneys collected under
27 this article for the preceding three-month period ending March thirty-
28 first, June thirtieth, September thirtieth, and December thirty-first,
29 respectively and the board of supervisors shall issue its warrant for
30 payment on or before the fifteenth day of June, September, December, and
31 March, respectively. The warrant shall direct payment to the city treas-
32 urer of the amount due the city, to the town supervisor of the amount
33 due the town, and to the village treasurer of the amount to which the
34 village shall be entitled. Mortgage tax moneys allotted to cities, towns
35 and villages shall be applied to the payment of the general expenses
36 thereof. The commissioner shall prescribe the method of adjustment and
37 correction of errors heretofore or hereafter made in the distribution of
38 moneys collected under this article. Provided, however that in the town
39 of Ossining, county of Westchester, monies due to the unincorporated
40 portion of the town shall be placed in the unincorporated town fund
41 instead of into the general fund of such town.

42 § 2. This act shall take effect immediately.