STATE OF NEW YORK

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IN SENATE

Introduced by Sen. LITTLE -- 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 authorizing the county of Washington to impose an additional mortgage recording tax

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 253-y to
2 read as follows:
3   *§ 253-y. Recording tax imposed by the county of Washington. 1. Wash-*
4 *ington county, acting through its local legislative body, is hereby*
5 *authorized and empowered to adopt and amend local laws imposing in such*
6 *county a tax of twenty-five cents for each one hundred dollars and each*
7 *remaining major fraction thereof of principal debt or obligation which*
8 *is or under any contingency may be secured at the date of execution*
9 *thereof, or at any time thereafter, by a mortgage on real property situ-*
10 *ated within such county and recorded on or after the date upon which*
11 *such tax takes effect and a tax of twenty-five cents on such mortgage if*
12 *the principal debt or obligation which is or by any contingency may be*
13 *secured by such mortgage is less than one hundred dollars.*
14   *2. The taxes imposed under the authority of this section shall be*
15 *administered and collected in the same manner as the taxes imposed under*
16 *subdivision one of section two hundred fifty-three and paragraph (b) of*
17 *subdivision one of section two hundred fifty-five of this article.*
18 *Except as otherwise provided in this section, all the provisions of this*
19 *article relating to or applicable to the administration and collection*
20 *of the taxes imposed by such subdivisions shall apply to the taxes*
21 *imposed under the authority of this section with such modifications as*
22 *may be necessary to adapt such language to the tax so authorized. Such*
23 *provisions shall apply with the same force and effect as if those*
24 *provisions had been set forth in full in this section except to the*

1 extent that any provision is either inconsistent with a provision of
2 this section or not relevant to the tax authorized by this section. For
3 purposes of this section, any reference in this article to the tax or
4 taxes imposed by this article shall be deemed to refer to a tax imposed
5 pursuant to this section, and any reference to the phrase "within this
6 state" shall be read as "within Washington county", unless a different
7 meaning is clearly required.
8   3. Where the real property covered by the mortgage subject to the tax
9 imposed pursuant to the authority of this section is situated in this
10 state but within and without the county imposing such tax, the amount of
11 such tax due and payable to such county shall be determined in a manner
12 similar to that prescribed in the first undesignated paragraph of
13 section two hundred sixty of this article which concerns real property
14 situated in two or more counties. Where such property is situated both
15 within such county and without the state, the amount due and payable to
16 such county shall be determined in the manner prescribed in the second
17 undesignated paragraph of such section two hundred sixty which concerns
18 property situated within and without the state. Where real property is
19 situated within and without the county imposing such tax, the recording
20 officer of the jurisdiction in which the mortgage is first recorded
21 shall be required to collect the taxes imposed pursuant to this section.
22   4. A tax imposed pursuant to the authority of this section shall be in
23 addition to the taxes imposed by section two hundred fifty-three of this
24 article.
25   5. Notwithstanding any provision of this article to the contrary, the
26 balance of all moneys paid to the recording officer of the county of
27 Washington during each month upon account of the tax imposed pursuant to
28 the authority of this section, after deducting the necessary expenses of
29 his or her office as provided in section two hundred sixty-two of this
30 article, except taxes paid upon mortgages which under the provisions of
31 this section or section two hundred sixty of this article are first to
32 be apportioned by the commissioner, shall be paid over by such officer
33 on or before the tenth day of each succeeding month to the treasurer of
34 Washington county and, after the deduction by such treasurer of the
35 necessary expenses of his or her office provided in section two hundred
36 sixty-two of this article shall be deposited in the general fund of the
37 county of Washington for expenditure on the support of community
38 colleges in accordance with article one hundred twenty-six of the educa-
39 tion law. Notwithstanding the provisions of the preceding sentence, the
40 tax so imposed and paid upon mortgages covering real property situated
41 in two or more counties, which under the provisions of this section or
42 section two hundred sixty of this article are first to be apportioned by
43 the commissioner, shall be paid over by the recording officer receiving
44 the same as provided by the determination of the commissioner.
45   6. Any local law imposing a tax pursuant to the authority of this
46 section or repealing or suspending such a tax shall take effect only on
47 the first day of a calendar month. Such a local law shall not be effec-
48 tive unless a certified copy thereof is mailed by registered or certi-
49 fied mail to the commissioner at the commissioner's office in Albany at
50 least thirty days prior to the date the local law shall take effect.
51   7. Certified copies of any local law described in this section shall
52 also be filed with the county clerk of the county of Washington, the
53 secretary of state and the state comptroller within five days after the
54 date it is duly enacted.
55   § 2. This act shall take effect immediately.