

STATE OF NEW YORK

4458

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

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

AN ACT to amend the tax law, in relation to the mortgage recording tax
in the county of Otsego

The People of the State of New York, represented in Senate and Assem-
bly, 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 Otsego. 1. Otsego
4 county, acting through its local legislative body, is hereby authorized
5 and empowered to adopt and amend local laws imposing in such county a
6 tax of fifty cents for each one hundred dollars and each remaining major
7 fraction thereof of principal debt or obligation which is or under any
8 contingency may be secured at the date of execution thereof, or at any
9 time thereafter, by a mortgage on real property situated within such
10 county and recorded on or after the date upon which such tax takes
11 effect and a tax of fifty cents on such mortgage if the principal debt
12 or obligation which is or by any contingency may be secured by such
13 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
25 extent that any provision is either inconsistent with a provision of
26 this section or not relevant to the tax authorized by this section. For
27 purposes of this section, any reference in this article to the tax or
28 taxes imposed by this article shall be deemed to refer to a tax imposed

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

LBD06602-01-9

1 pursuant to this section, and any reference to the phrase "within this
2 state" shall be read as "within Otsego county", unless a different mean-
3 ing is indicated.

4 3. Where the real property covered by the mortgage subject to the tax
5 imposed pursuant to the authority of this section is situated in this
6 state but within and without the county imposing such tax, the amount of
7 such tax due and payable to such county shall be determined in a manner
8 similar to that prescribed in the first undesignated paragraph of
9 section two hundred sixty of this article which concerns real property
10 situated in two or more counties. Where such property is situated both
11 within such county and without the state, the amount due and payable to
12 such county shall be determined in the manner prescribed in the second
13 undesignated paragraph of such section two hundred sixty which concerns
14 property situated within and without the state. Where real property is
15 situated within and without the county imposing such tax, the recording
16 officer of the jurisdiction in which the mortgage is first recorded
17 shall be required to collect the taxes imposed pursuant to this section.

18 4. A tax imposed pursuant to the authority of this section shall be in
19 addition to the taxes imposed by section two hundred fifty-three of this
20 article.

21 5. Notwithstanding any provision of this article to the contrary, the
22 balance of all moneys paid to the recording officer of the county of
23 Otsego during each month upon account of the tax imposed pursuant to the
24 authority of this section, after deducting the necessary expenses of his
25 or her office as provided in section two hundred sixty-two of this arti-
26 cle, except taxes paid upon mortgages which under the provisions of this
27 section or section two hundred sixty of this article are first to be
28 apportioned by the commissioner, shall be paid over by such officer on
29 or before the tenth day of each succeeding month to the treasurer of
30 Otsego county and, after the deduction by such treasurer of the neces-
31 sary expenses of his or her office provided in section two hundred
32 sixty-two of this article shall be deposited in the general fund of the
33 county of Otsego for expenditure by such county for any county purpose.
34 Notwithstanding the provisions of the preceding sentence, the tax so
35 imposed and paid upon mortgages covering real property situated in two
36 or more counties, which under the provisions of this section or section
37 two hundred sixty of this article are first to be apportioned by the
38 commissioner, shall be paid over by the recording officer receiving the
39 same as provided by the determination of the commissioner.

40 6. Any local law imposing a tax pursuant to the authority of this
41 section or repealing or suspending such a tax shall take effect only on
42 the first day of a calendar month. Such a local law shall not be effec-
43 tive unless a certified copy thereof is mailed by registered or certi-
44 fied mail to the commissioner at the commissioner's office in Albany at
45 least thirty days prior to the date the local law shall take effect.

46 7. Certified copies of any local law described in this section shall
47 also be filed with the county clerk of the county of Otsego, the secre-
48 tary of state and the state comptroller within five days after the date
49 it is duly enacted.

50 § 2. Subdivision 1 of section 261 of the tax law is amended by adding
51 a new paragraph (h-1) to read as follows:

52 (h-1) with respect to the county of Otsego, to the county treasurer of
53 such county for deposit into the general fund of the county of Otsego;

54 § 3. This act shall take effect on the thirtieth day after it shall
55 have become a law.