

# STATE OF NEW YORK

4474

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

Introduced by M. of A. STEC, WOERNER -- read once and referred to the Committee on Ways and Means

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  
25 extent that any provision is either inconsistent with a provision of

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

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1 this section or not relevant to the tax authorized by this section. For  
2 purposes of this section, any reference in this article to the tax or  
3 taxes imposed by this article shall be deemed to refer to a tax imposed  
4 pursuant to this section, and any reference to the phrase "within this  
5 state" shall be read as "within Washington county", unless a different  
6 meaning is clearly required.

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

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

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

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

50 7. Certified copies of any local law described in this section shall  
51 also be filed with the county clerk of the county of Washington, the  
52 secretary of state and the state comptroller within five days after the  
53 date it is duly enacted.

54 § 2. This act shall take effect immediately.