

Warren County Board of Supervisors

RESOLUTION NO. 100 OF 2019

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, MCDEVITT, GERAGHTY, BRAYMER AND HYDE

ENACTING LOCAL LAW NO. 5 OF 2019, "A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2019, IMPOSING AN ADDITIONAL MORTGAGE RECORDING TAX IN WARREN COUNTY, TO AMEND SECTIONS 3 AND 9 TO CHANGE THE EFFECTIVE DATE TO APRIL 1, 2019"

WHEREAS, a proposed Local Law was duly presented to the Board of Supervisors and considered by them, said proposed Local Law Entitled, "A Local Law Amending Local Law No. 2 of 2019, Imposing an Additional Mortgage Recording Tax in Warren County, to Amend Sections 3 and 9 to Change the Effective Date to April 1, 2019", and

WHEREAS, the Board of Supervisors adopted Resolution 99 of 2019 on February 15, 2019 authorizing a public hearing to be held by the Board of Supervisors on the 28th day of February, 2019, at 10:00 a.m. in the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed Local Law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, the Board of Supervisors of the County of Warren, New York, on this 28th day of February, 2019, does hereby enact and adopt Local Law No. 5 of 2019 as annexed hereto, and be it further

RESOLVED, that the Chairman of the Board of Supervisors, Clerk of the Board of Supervisors, and County Attorney are hereby authorized to make such minor modifications to the Local Law as deemed necessary, and are authorized to execute, file and publish the Local Law and take all necessary actions for the promulgation thereof.

**SCHEDULE "A"
COUNTY OF WARREN
LOCAL LAW NO. 5 OF 2019**

**A LOCAL LAW IMPOSING AN ADDITIONAL MORTGAGE RECORDING TAX
IN WARREN COUNTY**

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

SECTION 1: TITLE. This Local Law shall be titled "A Local Law Imposing An Additional Mortgage Recording Tax in Warren County".

SECTION 2. PURPOSE AND INTENT. The purpose of this law is to authorize Warren County, pursuant to the provisions of Section 253-w of the Tax Law of the State of New York, to impose an Additional Mortgage Recording Tax.

SECTION 3. IMPOSITION OF TAX. For the period commencing April 1, 2019 and ending December 1, 2020, unless further extended by Local Law of the Board of Supervisors, there is hereby imposed, in the County of Warren, a tax of twenty-five cents (\$0.25) for each one hundred dollars (\$100), and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the County of Warren and recorded on or after April 1, 2019 (or a subsequent date enacted by State Law), and a tax of twenty-five cents (\$0.25) on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars (\$100.00).

SECTION 4. ADMINISTRATION AND COLLECTION OF TAX. The taxes imposed pursuant to this Local Law shall be administered and collected in the same manner as the taxes imposed under subdivision one of Section 253 of the Tax Law and paragraph (b) of subdivision one of Section 255 of the Tax Law. Except as otherwise provided in Section 253-w of the Tax Law, all the provisions of Article 11 of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed by this Local Law with such modifications as may be necessary

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to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in Section 253-w of the Tax Law, except to the extent that any provision is either inconsistent with a provision of Section 253-w of the Tax Law or not relevant to the tax authorized by Section 253-w of the Tax Law.

SECTION 5. REAL PROPERTY LOCATED IN MORE THAN ONE COUNTY OR STATE.

Where the real property covered by the mortgage subject to the tax imposed pursuant to this Local Law is situated in this state but within and without Warren County, the amount of such tax due and payable to Warren County shall be determined in a manner similar to that prescribed in the first undesignated paragraph of Section 260 of the Tax Law which concerns real property situated in two or more counties. Where such property is situated both within Warren County and without the state, the amount due and payable to Warren County shall be determined in the manner prescribed in the second undesignated paragraph of such Section 260 which concerns property situated within and without the State. Where real property is situated within and without Warren County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

SECTION 6. ADDITIONAL MORTGAGE RECORDING TAX. The tax imposed pursuant to this Local Law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

SECTION 7. DISPOSITION OF TAXES.

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Warren during each month upon account of the tax imposed pursuant to this Local Law, after deducting the necessary expenses of his or her office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of Section 253-w of the Tax Law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding

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month to the Treasurer of Warren County and, after the deduction by such treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the general fund of the County of Warren. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, under which the provisions of Section 253-w of the Tax Law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the New York State Commissioner of Taxation and Finance.

SECTION 8. PAYMENT OF TAXES. The tax imposed pursuant to this Local Law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the county, the recording officer of the county in which the mortgage is first recorded shall collect the tax imposed by this Local Law. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt for such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

SECTION 9. EFFECTIVE DATE. This Local Law shall take effect April 1, 2019, provided that a certified copy thereof is mailed by registered or certified mail to the Commissioner of the New York State Department of Taxation and Finance at the Commissioner's Office in Albany at least 30 days prior to the date this Local Law shall take effect. Certified copies of this Local Law shall also be filed with the Warren County Clerk, the Secretary of State, and the State Comptroller within 5 days after the Local Law is duly enacted and this Local Law shall be deemed to be duly enacted upon its date of adoption by the Warren County Board of Supervisors.