BUDGET, FINANCE, & PERSONNEL

RESOLUTION NO. 2015144

RE: MORTGAGE TAX APPORTIONMENT
PERIOD OCTOBER 1, 2014 THROUGH MARCH 31, 2015

Legislators BORCHERT, SURMAN, MACAVERY, FARLEY STRAWINSKI, and JOHNSON offer the following and move its adoption:

RESOLVED, that the report of the County Clerk and the Commissioner of Finance of mortgage tax receipts and disbursements, for the period October 1, 2014 through March 31, 2015, and the distribution thereof among the several tax districts, be accepted and placed on file, and be it further

RESOLVED, that the warrant in conformity with Section 261 of the Tax Law, be issued to the Commissioner of Finance to pay the respective cities and towns, and to the village treasurers the amounts due the respective villages of the County of Dutchess as set forth on the annexed sheet.

HS/djw
4/9/15
G-0145
CA-085-15

Fiscal Impact: NONE

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of May 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of May 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

OFFICE OF
COMMISSIONER OF FINANCE

MORTGAGE TAX DISTRIBUTION **June 5, 2015**

CITIES	**AMOUNT**
BEACON	173,503.33
POUGHKEEPSIE	142,369.70
TOWNS	
AMENIA	51,132.26
BEEKMAN	124,482.70
CLINTON	65,826.45
DOVER	66,361.13
EAST FISHKILL	367,415.34
FISHKILL	287,128.08
HYDE PARK	120,063.75
LAGRANGE	168,641.61
MILAN	17,934.13
NORTH EAST	11,962.64
PAWLING	75,829.42
PINE PLAINS	19,860.80
PLEASANT VLY	72,075.15
POUGHKEEPSIE	682,124.88
RED HOOK	83,415.36
RHINEBECK	80,189.91
STANFORD	45,147.07
UNIONVALE	40,875.80
WAPPINGER	238,694.69
WASHINGTON	59,100.18
VILLAGES	
FISHKILL	20,179.18
MILLBROOK	5,864.10
MILLERTON	1,032.68
PAWLING	6,367.24
RED HOOK	7,931.80
RHINEBECK	14,079.54
TIVOLI	5,032.20
WAPPINGER FALLS	22,356.60
TOTAL	**3,076,977.72**

COMMISSIONER OF FINANCE

McKinney's Consolidated Laws of New York Annotated
Tax Law (Refs & Annos)
Chapter Sixty. Of the Consolidated Laws
Article 11. Tax on Mortgages (Refs & Annos)

McKinney's Tax Law § 261

§ 261. Payment over and distribution of taxes

Effective: November 30, 2013
Currentness

1. [Eff. until Dec. 1, 2015, pursuant to L.2004, c. 489, § 2 and L.2006, c. 327, § 3. See, also, subd. 1 below.] The balance of all moneys paid to the recording officer of each county during each month upon account of the additional taxes imposed pursuant to subdivision two of section two hundred fifty-three of this article, after deducting the necessary expenses of his or her office as provided in section two hundred sixty-two of this article, except taxes paid upon mortgages which under the provisions of section two hundred sixty of this article are first to be apportioned by the commissioner, shall be paid over by him or her on or before the tenth day of each succeeding month as follows: (a) with respect to those counties comprising the metropolitan commuter transportation district, as defined by the provisions of section twelve hundred sixty-two of the public authorities law, to the metropolitan transportation authority to be applied in any authority fiscal year beginning on or after January first, nineteen hundred eighty-seven (i) first, to meet the general, administrative and operating expenses of the authority net of reimbursements, recoveries and adjustments, not including the expenses of any subsidiaries thereof which operate any transportation facility, (ii) second, from any remaining revenues, fifty-five per centum of such revenues shall be paid by the metropolitan transportation authority to the transit account of the metropolitan transportation authority special assistance fund established by section twelve hundred seventy-a of the public authorities law; and (iii) the remaining forty-five per centum shall be paid by the metropolitan transportation authority to the commuter railroad account of the metropolitan transportation authority special assistance fund established by section twelve hundred seventy-a of the public authorities law; (b) with respect to those counties comprising the Niagara Frontier transportation district, as defined by the provisions of section twelve hundred ninety-nine-b of the public authorities law, to the Niagara Frontier transportation authority; (c) with respect to those counties comprising the Rochester-Genesee regional transportation district, as defined by the provisions of section twelve hundred ninety-nine-cc of the public authorities law, to the Rochester-Genesee Regional Transportation Authority; (d) with respect to those counties comprising the capital district transportation district, as defined by the provisions of section thirteen hundred two of the public authorities law, to the capital district transportation authority; (e) with respect to those counties comprising the central New York regional transportation district, as defined by the provisions of section thirteen hundred twenty-seven of the public authorities law, to the central New York regional transportation authority; (f) with respect to the county of Dutchess or the county of Orange or the county of Rockland if any such county withdraws from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of the public authorities law and does not suspend the imposition of such additional tax, to the county treasurer of such county if such county provides that the moneys shall be used for mass transportation purposes but, if any such county which so withdraws and which does not so suspend does not so provide, to the comptroller pursuant to paragraph (p) of this subdivision; (g) with respect to the counties of Washington and Warren, to the county treasurer of such county to be used to pay for any and all expenses incurred by such counties for the support of community colleges pursuant to article one hundred twenty-six of the education law; with respect to the county of Essex, to the county treasurer of such county to be used to pay for any and all expenses incurred by such county for county office and court facility projects and, after all such expenses are paid, for any and all expenses incurred by such county for county correctional and public safety facility projects; (h) with respect to the county of Franklin, to the county treasurer of such county to be used to pay for any and all expenses incurred by such county for county office and county correctional facility projects; (i) with respect to the county of Clinton, to the county treasurer of such county to be used to pay for any and all expenses incurred by such county for county office and other county capital projects; (j) with respect to the county of Chautauqua, to the county treasurer of such county

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to be used to pay for any and all expenses incurred by such county for county correctional facility and court facility projects, and debt service thereon, including but not limited to, related heating, ventilation, air-conditioning and parking infrastructure upgrades; (j-1) with respect to the county of Tompkins, to the county treasurer of such county for mass transportation purposes; (k) with respect to the county of Allegany, to the county treasurer of such county for deposit into the general fund of the county of Allegany; (l) with respect to the county of Schuyler, to the county treasurer of such county to be used to pay for any and all expenses incurred by such county for the support of community colleges pursuant to article one hundred twenty-six of the education law; (m) with respect to the county of Delaware, to the county treasurer of such county to be used to pay for the cost of the county correctional facility and public safety building complex and the county composting facility; (n) [par. (n) expires and is deemed repealed Nov. 30, 2015, pursuant to L. 2004, c. 489, § 2] with respect to the county of Fulton, to the county treasurer of such county for deposit into the general fund of the county of Fulton; (o) with respect to the county of Steuben, to the county treasurer of such county for deposit into the general fund of the county of Steuben; (p) with respect to the remaining counties of the state except Cattaraugus county which have not suspended the imposition of such additional tax pursuant to subdivision two of section two hundred fifty-three of this article, to the comptroller to be paid by him or her into the general fund in the state treasury to the credit of the state purposes account; provided that money paid to the comptroller with respect to any such remaining county in which on the date of such payment any mass transportation, airport or aviation, municipal historic site, municipal park, community mental health and retardation facility, or sewage treatment capital project is being carried out by a municipality with state aid, or for which state aid will be paid, pursuant to the provisions of title one of chapter seven hundred seventeen of the laws of nineteen hundred sixty-seven, section 17.05 of the parks, recreation and historic preservation law, section 41.18 of the mental hygiene law, or section 17-1903 of the environmental conservation law, shall be applied by him or her to increase the amount of aid for which the state is obligated in respect to such project on such date, provided that any such increase in state aid may not, together with any federal funds paid or to be paid on account of the cost of such project, exceed the total cost thereof, and where more than one such capital project is being carried out on such date within such county, the application of such monies by the comptroller shall be pro-rated among such municipalities on the basis of the respective amounts of state aid which are so obligated on such date; and (q) with respect to the county of Cattaraugus, to the comptroller to be paid by him or her into the general fund in the state treasury to the credit of the state purposes account for the construction of a county office building and a county department of public works office building, or debt service thereon being carried out by the county of Cattaraugus up to but not exceeding the total cost for such county office building and county department of public works building, or debt service thereon less the amount of any state aid or federal funds paid or to be paid on account of such project or debt service thereon. Notwithstanding the provisions of the preceding sentence, additional taxes so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of section two hundred sixty of this article are first to be apportioned by the commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of said commissioner.

If and to the extent that either metropolitan transportation authority or Niagara Frontier transportation authority or Rochester-Genesee regional transportation authority or capital district transportation authority or central New York regional transportation authority shall certify that the proceeds of such additional tax received by it for any calendar year subsequent to nineteen hundred sixty-nine are in excess of its needs, present and projected, and of those of its subsidiary corporations, such excess shall be paid over at the end of such calendar year to the comptroller for payment or application by him or her in accordance with the provisions of paragraph (p) of the opening paragraph of this subdivision. For the purposes of such application any such excess shall be allocated among the counties comprising a transportation district in the same proportion that their respective recording officers paid over additional taxes hereunder during the whole of the calendar year which is the subject of the certification. For the counties comprising the city of New York, any such application shall be for the benefit of such city.

1. [Eff. Dec. 1, 2015. See, also, subd. 1 above.] The balance of all moneys paid to the recording officer of each county during each month upon account of the additional taxes imposed pursuant to subdivision two of section two hundred fifty-three of this article, after deducting the necessary expenses of his or her office as provided in section two hundred sixty-two of this article, except taxes paid upon mortgages which under the provisions of section two hundred sixty of this article are first to be apportioned by the commissioner, shall be paid over by him or her on or before the tenth day of each succeeding month as follows: (a) with respect to those counties comprising the metropolitan commuter transportation district, as defined by the

provisions of section twelve hundred sixty-two of the public authorities law, to the metropolitan transportation authority to be applied in any authority fiscal year beginning on or after January first, nineteen hundred eighty-seven (i) first, to meet the general, administrative and operating expenses of the authority net of reimbursements, recoveries and adjustments, not including the expenses of any subsidiaries thereof which operate any transportation facility, (ii) second, from any remaining revenues, fifty-five per centum of such revenues shall be paid by the metropolitan transportation authority to the transit account of the metropolitan transportation authority special assistance fund established by section twelve hundred seventy-a of the public authorities law; and (iii) the remaining forty-five per centum shall be paid by the metropolitan transportation authority to the commuter railroad account of the metropolitan transportation authority special assistance fund established by section twelve hundred seventy-a of the public authorities law; (b) with respect to those counties comprising the Niagara Frontier transportation district, as defined by the provisions of section twelve hundred ninety-nine-b of the public authorities law, to the Niagara Frontier transportation authority; (c) with respect to those counties comprising the Rochester-Genesee regional transportation district, as defined by the provisions of section twelve hundred ninety-nine-cc of the public authorities law, to the Rochester-Genesee Regional Transportation Authority; (d) with respect to those counties comprising the capital district transportation district, as defined by the provisions of section thirteen hundred two of the public authorities law, to the capital district transportation authority; (e) with respect to those counties comprising the central New York regional transportation district, as defined by the provisions of section thirteen hundred twenty-seven of the public authorities law, to the central New York regional transportation authority; (f) with respect to the county of Dutchess or the county of Orange or the county of Rockland if any such county withdraws from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of the public authorities law and does not suspend the imposition of such additional tax, to the county treasurer of such county if such county provides that the moneys shall be used for mass transportation purposes but, if any such county which so withdraws and which does not so suspend does not so provide, to the comptroller pursuant to paragraph (p) of this subdivision; (g) with respect to the counties of Washington and Warren, to the county treasurer of such county to be used to pay for any and all expenses incurred by such counties for the support of community colleges pursuant to article one hundred twenty-six of the education law; with respect to the county of Essex, to the county treasurer of such county to be used to pay for any and all expenses incurred by such county for county office and court facility projects; (h) with respect to the county of Franklin, to the county treasurer of such county to be used to pay for any and all expenses incurred by such county for county office and county correctional facility projects; (i) with respect to the county of Clinton, to the county treasurer of such county to be used to pay for any and all expenses incurred by such county for county office and other county capital projects; (j) with respect to the county of Chautauqua, to the county treasurer of such county to be used to pay for any and all expenses incurred by such county for county correctional facility and court facility projects, and debt service thereon, including but not limited to, related heating, ventilation, air-conditioning and parking infrastructure upgrades; (j-1) with respect to the county of Tompkins, to the county treasurer of such county for mass transportation purposes; (k) with respect to the county of Allegany, to the county treasurer of such county for deposit into the general fund of the county of Allegany; (l) with respect to the county of Schuyler, to the county treasurer of such county to be used to pay for any and all expenses incurred by such county for the support of community colleges pursuant to article one hundred twenty-six of the education law; (m) with respect to the county of Delaware, to the county treasurer of such county to be used to pay for the cost of the county correctional facility and public safety building complex and the county composting facility; (o) with respect to the county of Steuben, to the county treasurer of such county for deposit into the general fund of the county of Steuben; (p) with respect to the remaining counties of the state except Cattaraugus county which have not suspended the imposition of such additional tax pursuant to subdivision two of section two hundred fifty-three of this article, to the comptroller to be paid by him or her into the general fund in the state treasury to the credit of the state purposes account; provided that money paid to the comptroller with respect to any such remaining county in which on the date of such payment any mass transportation, airport or aviation, municipal historic site, municipal park, community mental health and retardation facility, or sewage treatment capital project is being carried out by a municipality with state aid, or for which state aid will be paid, pursuant to the provisions of title one of chapter seven hundred seventeen of the laws of nineteen hundred sixty-seven, section 17.05 of the parks, recreation and historic preservation law, section 41.18 of the mental hygiene law, or section 17-1903 of the environmental conservation law, shall be applied by him or her to increase the amount of aid for which the state is obligated in respect to such project on such date, provided that any such increase in state aid may not, together with any federal funds paid or to be paid on account of the cost of such project, exceed the total cost thereof, and where more than one such capital project is being carried out on such date within

such county, the application of such monies by the comptroller shall be pro-rated among such municipalities on the basis of the respective amounts of state aid which are so obligated on such date; and (q) with respect to the county of Cattaraugus, to the comptroller to be paid by him or her into the general fund in the state treasury to the credit of the state purposes account for the construction of a county office building and a county department of public works office building, or debt service thereon being carried out by the county of Cattaraugus up to but not exceeding the total cost for such county office building and county department of public works building, or debt service thereon less the amount of any state aid or federal funds paid or to be paid on account of such project or debt service thereon. Notwithstanding the provisions of the preceding sentence, additional taxes so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of section two hundred sixty of this article are first to be apportioned by the commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of said commissioner. If and to the extent that either metropolitan transportation authority or Niagara Frontier transportation authority or Rochester-Genesee regional transportation authority or capital district transportation authority or central New York regional transportation authority shall certify that the proceeds of such additional tax received by it for any calendar year subsequent to nineteen hundred sixty-nine are in excess of its needs, present and projected, and of those of its subsidiary corporations, such excess shall be paid over at the end of such calendar year to the comptroller for payment or application by him or her in accordance with the provisions of paragraph (p) of the opening paragraph of this subdivision. For the purposes of such application any such excess shall be allocated among the counties comprising a transportation district in the same proportion that their respective recording officers paid over additional taxes hereunder during the whole of the calendar year which is the subject of the certification. For the counties comprising the city of New York, any such application shall be for the benefit of such city.

2. The balance of all moneys paid to the recording officer of each county during each month upon account of the special additional taxes imposed pursuant to subdivision one-a of section two hundred fifty-three of this chapter, after deducting the necessary expenses of his office as provided in section two hundred sixty-two, except taxes paid upon mortgages which under the provisions of section two hundred sixty are first to be apportioned by the tax commission, shall be paid over by him on or before the tenth day of each succeeding month to the state of New York mortgage agency created pursuant to title seventeen of article eight of the public authorities law [1] for deposit to the credit of the mortgage insurance fund created pursuant to such title, and (i) except that with respect to mortgages recorded on and after May first, nineteen hundred eighty-seven, the balance of all moneys paid upon account of such special additional taxes during each month to the recording officers of the counties comprising the metropolitan commuter transportation district, as defined by section twelve hundred sixty-two of the public authorities law, on mortgages of any real property principally improved or to be improved by a structure containing six residential dwelling units or less with separate cooking facilities, after the deduction of such expenses, shall be paid over by him on or before the tenth day of each succeeding month to the metropolitan transportation authority for deposit in the corporate transportation account of the metropolitan transportation special assistance fund established by section twelve hundred seventy-a of the public authorities law, and (ii) except that with respect to mortgages recorded on and after May first, nineteen hundred eighty-seven, the balance of all moneys paid upon account of such special additional taxes during each month to the recording officers of the county of Erie on mortgages of any real property principally improved or to be improved by a structure containing six residential dwelling units or less with separate cooking facilities, after the deduction of such expenses, shall be paid over by him on or before the tenth day of each succeeding month to the Niagara Frontier transportation authority. Notwithstanding the provisions of the preceding sentence, the special additional taxes so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of section two hundred sixty are first to be apportioned by the commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of said commissioner.

3. On or before the tenth day of each month the recording officer of each county shall pay over to the county treasurer of said county, and in the counties of New York, Kings, Queens, Richmond and Bronx to the commissioner of finance of the city of New York for credit to the general fund of such city, the balance of the moneys received during the preceding month upon account of taxes paid to him or her as herein prescribed, after deducting the necessary expenses of his or her office as provided in section two hundred sixty-two of this article, except taxes paid upon mortgages which under the provisions of section two hundred sixty of this article are first to be apportioned by the commissioner, which taxes and money shall be paid over by the

commissioner of finance of the city of New York as provided by the determination of the commissioner. In each county not within the city of New York, the whole of the net amount of such balance, after the deduction by the county treasurer of the necessary expenses of his or her office provided in section two hundred sixty-two of this article, shall be held by him or her and shall be allocated to the tax districts of the county according to the location of the real property covered by the respective mortgages upon which the tax was collected. The recording officer and county treasurer shall prepare a joint semiannual report on or before May fifteenth and on or before November fifteenth in each year showing the amounts to be credited to each tax district of the county of the moneys collected under this article during the preceding periods of six months each which ended respectively on March thirty-first and September thirtieth. Such report shall be made in duplicate in accordance with the rules and regulations of the commissioner and filed with the clerk of the board of supervisors and the commissioner. The board of supervisors, on or before the fifteenth day of June and on or before the fifteenth day of December in each year, shall issue its warrant for the payment to the respective tax districts of the amounts so credited, provided, however, that in a county in which a town contains within its limits an incorporated village, or portion thereof, the board of supervisors shall apportion to such village so much of the share credited to the town as the assessed value of said village or portion thereof bears to twice the total assessed valuation of the town, and provided, further, that, at the option of the governing board of the county, the county may instead prepare and file such a joint report and make such payments on a monthly or quarterly basis. Where the county elects to make monthly payments, the recording officer and county treasurer shall prepare a joint report on or before the fifteenth day of each month showing the amounts to be credited to each tax district of the county and the moneys collected under this article for the month preceding the most recently concluded month, and the board of supervisors shall issue its warrant for payment on or before the fifteenth day of the following month. Where the county elects to make quarterly payments, the recording officer and county treasurer shall prepare such a joint report on or before the fifteenth day of May, August, November, and February, showing the amounts to be credited to each tax district of the county of moneys collected under this article for the preceding three-month period ending March thirty-first, June thirtieth, September thirtieth, and December thirty-first, respectively and the board of supervisors shall issue its warrant for payment on or before the fifteenth day of June, September, December, and March, respectively. The warrant shall direct payment to the city treasurer of the amount due the city, to the town supervisor of the amount due the town, and to the village treasurer of the amount to which the village shall be entitled. Mortgage tax moneys allotted to cities, towns and villages shall be applied to the payment of the general expenses thereof. The commissioner shall prescribe the method of adjustment and correction of errors heretofore or hereafter made in the distribution of moneys collected under this article.

Credits

(L.1909, c. 62. Amended L.1914, c. 399, § 1; L.1916, c. 323, § 72; L.1927, c. 259, § 1; L.1928, c. 99, § 1; L.1944, c. 122, § 1; L.1964, c. 576, § 87; L.1965, c. 300, § 1; L.1969, c. 350, § 2; L.1969, c. 407, §§ 1, 2; L.1970, c. 460, § 7; L.1970, c. 714, § 6; L.1972, c. 661, § 23; L.1973, c. 195, § 57; L.1974, c. 191, § 1; L.1978, c. 655, § 123; L.1978, c. 788, §§ 22, 23; L.1986, c. 669, § 5; L.1986, c. 929, § 10; L.1986, c. 930, § 2; L.1987, c. 13, §§ 11, 12; L.1987, c. 59, § 4; L.1996, c. 211, § 1; L.1996, c. 348, § 1; L.1996, c. 392, § 1; L.1996, c. 596, § 1; L.1998, c. 236, § 1, eff. Aug. 6, 1998; L.1999, c. 177, § 1, eff. July 6, 1999; L.2002, c. 248, § 1, eff. July 30, 2002; L.2003, c. 258, § 1, eff. July 29, 2003; L.2003, c. 322, § 1, eff. Aug. 5, 2003; L.2003, c. 576, § 1, eff. Oct. 22, 2003; L.2004, c. 279, § 1, eff. Aug. 3, 2004; L.2004, c. 489, § 1, eff. Sept. 21, 2004; L.2005, c. 365, § 1, eff. Aug. 2, 2005; L.2006, c. 287, § 1, eff. July 26, 2006; L.2006, c. 327, § 2, eff. July 26, 2006; L.2013, c. 115, § 1, eff. July 12, 2013.)

Notes of Decisions (11)

Footnotes

1 Public Authorities Law § 2400 et seq.

McKinney's Tax Law § 261, NY TAX § 261

Current through L.2015, chapters 1 to 13, 50 to 54, 61.

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