

OFFICE OF THE WARREN COUNTY CLERK
PAMELA J. VOGEL, COUNTY CLERK
SUEANNE S. LINEHAN, DEPUTY

**Warren County Support Services Committee: Co. Clerk/DMV
Friday – Jan. 26, 2018 – 12:30 pm.**

I. Committee Meeting Call to Order: Supervisor Bill Loeb

II. Motion to approve minutes of prior committee meeting

III. Action Agenda/New Business:

Miscellaneous Resolution: Notification was received by the Board of Supervisors from Assemblyman Stec's office to initiate the extension (by dates) of the Warren County Local Mortgage Tax.

Resolution to fwd: To amend Local Law 5 of 2016 (imposing the Warren County Local Mortgage Tax) by extending it for an additional two years – 12/1/2018 – 12/1/2020.

Please see informational handout attached. Briefly:

- a. The local mortgage tax was first imposed in 2008; must be renewed every two years in order to continue with collection. Follows local law procedure.
- b. Local Mortgage Tax generates approximately \$ 900,000 per year and remains with Warren County.
- c. The Local Mortgage Tax offsets increases in county property tax and overall supports the Warren County Budget.

IV: No other business.

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Mortgage Tax

The following is an informational handout about mortgage tax money, collected by law, when a person takes out a mortgage against real property. The mortgage must be recorded in the County Clerk's Office based on where the property is located. When presented for recording the Clerk must collect the tax.

- 1.) Mortgage Tax is collected on the amount of money borrowed to finance real property (Tax Law, Article 11, Section 253).
- 2.) Mortgage tax is collected at the time of recording the mortgage in the County Clerk's Office. New mortgages, refinancings, equity loans apply.
- 3.) Warren County's Mortgage Tax is currently 1.25% or 25 cents per \$ 100 of the mortgaged amount. Lender pays $\frac{1}{4}$ % (25 cents), borrower balance.
- 4.) Mortgage Tax History:
Basic Mortgage Tax: Collected for towns (Semi-Annual distribution), 50 cents/ \$ 100 (c. 1906-07). Section 253 (1);
Special Additional: Collected for NYS, distributed monthly to NYS, 25 cents/\$100. Section 253 (1a);
Additional: Optional for counties. Required Local Law/Home Rule approved by NYS Legislature. Passed. Warren County imposed Additional in 1999 (had done so briefly 1969-72; reinstated 1999).. Distributed Monthly to Co. Treas. . Section 253 (2a);

Local: **This is the subject of this resolution. Optional for counties. Requires Local Law/Home Rule approved by NYS. Warren County passed Local Law 10 of 2008, effective Oct. 1, 2008; 25 cents per \$ 100 for first time imposition. Distributed monthly to Treas. Renewed by Local Law 10 of 2011, LL 5 of 2014; LL 5 of 2016. Expires 12/1/2018. Notification received from Assemblyman Dan Stec's office to renew.**
- 5.) Mortgage Tax by Counties: Basic (to Towns) and Special Additional (to NYS) are collected by all counties; 24 + counties impose Local Tax; similar number have additional or transportation authority.
- 6.) **Budget Impact: Revenue generated from Local Mortgage Tax supports Warren County and its residents; impacts overall county tax base, and reduces annual property taxes. Revenue generated: \$ 900,000 average annually.**
- 7.) Funds are collected and deposited monthly under Rev. Code A. 1410 1256 – Mortgage Tax which includes **both the county additional mortgage tax (1999) and the county local tax (2008)**. Together they make up the revenue for A. 1256 Mortgage Tax: Important Note: The county MT (additional and local) are separate from the Basic Mortgage Tax which goes to the towns (which is Approx. \$ 900,000-\$ 1 million per semi- about \$ 2 million per year).
- 8.) Board of Supervisors must approve moving this fwd thru the Local Law process.

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

**Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.*

DEPARTMENT NAME: County Clerk

DATE: 1/17/2018

(a) Purpose of Request:

To amend Local Law imposing the Warren County Local Mortgage Tax by extending for an additional two years (12/1/2018 to 12/1/2020)

(b) Details:

See Local Law 5 of 2016

(c) Previous Resolution Number:

Local Law 10 of 2011, Local Law 5 of 2014 and Local Law 5 of 2016.

(d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

No funding required. This law generates revenue (25 cents per \$ 100/on mortgages recorded in Warren Co.). Revenue Code A 1256 Mortgage Tax. 2017 Local tax total: \$ 986,342.58

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

COUNTY OF WARREN
LOCAL LAW NO. 5 OF 2016

A LOCAL LAW AMENDING LOCAL LAW NO. 5 OF 2014 IN RELATION TO THE IMPOSITION
OF AN ADDITIONAL MORTGAGE RECORDING TAX IN WARREN COUNTY TO AMEND
SECTION 3 TO PROVIDE THAT THE LOCAL LAW SHALL REMAIN IN EFFECT
UNTIL DECEMBER 1, 2018

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

SECTION 1. Title and Statement of Intent: This Local Law shall be entitled "A Local Law Amending Local Law No. 5 of 2014 in Relation to the Imposition of an Additional Mortgage Recording Tax in Warren County to amend SECTION 3 to provide that the Local Law shall remain in effect until December 1, 2018". The intent is to allow such Local Law to remain in full force and effect for two additional years until December 1, 2018. The authority to amend SECTION 3 of this Local Law exists by virtue of Chapter 190 of the Laws of 2016, enacted to amend Chapter 368 of the Laws of 2008, as amended by Chapter 397 of the Laws of 2011, as amended by Chapter 224 of the Laws of 2014, relating to authorizing the County of Warren to impose an additional mortgage recording tax in relation to extending the effectiveness thereof.

SECTION 2. Amendment of Local Law: SECTION 3 of Local Law No. 5 of 2014 is amended to delete an ending date of December 1, 2016 and extending the effectiveness of the Local Law until December 1, 2018 and shall read as follows:

"Imposition of tax for the period commencing December 1, 2016 and ending December 1, 2018, 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 December 1, 2016, 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).

SECTION 3. Effective Local Law: This Local Law shall remain in full force and effect until December 1, 2018.

SECTION 4. Severability: If any provisions of this Local Law or the application thereof to any person or circumstances shall be held invalid the remainder of this Local Law and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 5. Effective Date: This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

WARREN COUNTY ATTORNEY'S OFFICE

Warren County Municipal Center
1340 State Route 9
Lake George, New York 12845
Telephone 518 - 761 - 6463
Fax 518 - 761 - 6377

LAW DEPARTMENT

DATE: 4/13/2016
TO: Amanda Allen, Board of Supervisors
FROM: Ilana Morgan, Legal Assistant
RE: Proposed Resolution 183 of 2016

Enclosed please find eight (8) original home rule request forms to be transmitted to the state legislature with engrossed resolutions via Assemblyman Dan Stec. Also enclosed please find a copy of Assemblyman Stec's letter and instructions.

Once Senate bill 6852 and Assembly bill 9386 have been passed, we will need to pass a resolution to hold a public hearing and adopt a local law.

Please copy this office with your transmittal. Thank you.

cc: Pam Vogel, County Clerk ✓

Warren County Board of Supervisors

WARREN COUNTY MUNICIPAL CENTER
1340 STATE ROUTE 9
LAKE GEORGE, NEW YORK 12845-9803

Telephone 518-761-6535
Fax 518-761-7652



Kevin B. Geraghty, Chairman

Amanda Allen, Clerk of the Board

August 22, 2016

NYS Department of State
Division of Corporations, State Records & Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

Ladies and Gentlemen:

Enclosed, please find a certified copy of the NY State Local Law Filing documentation for Warren County Local Law No. 5 of 2016 which was adopted on August 19, 2016.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Amanda Allen', is written over the typed name.

Amanda Allen, Clerk
Warren County Board of Supervisors

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

RECEIVED
WARREN COUNTY
BOARD OF SUPERVISORS
2016 SEP 20 AM 9:21

ANDREW M. CUOMO
GOVERNOR
ROSSANA ROSADO
SECRETARY OF STATE

September 2, 2016

Amanda Allen
Clerk
Warren County Municipal Center
1340 State Route 9
Lake George NY 12845-9803

RE: County of Warren, Local Law 5 2016, filed on September 2, 2016

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



Department
of State