

# UNDERWRITING BULLETIN

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NY000292

**Date: October 27, 2006**

**To: All New York State Office Counsel, Managers and Agents**

**From: Lauren LoCascio, Agency Counsel**

**Re: Mortgage Tax Increases in Essex and Schoharie Counties;  
Form MT-15**

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Effective November 1, 2006 the rate of mortgage recording taxes imposed on the recording of mortgages on real property located in Essex County will be \$1.25 per \$100.00 secured by the mortgage.

Effective November 1, 2006 the rate of mortgage recording taxes imposed on the recording of mortgages on real property located on Schoharie County will be \$1.00 per \$100.00 secured by the mortgage.

## Form MT-15

Where mortgaged property lies entirely within the State of New York but in more than one locality and those localities impose differing rates of mortgage tax, a taxpayer may either pay the entire mortgage tax based upon the highest rate or file Form MT-15 (attached).

[http://www.tax.state.ny.us/pdf/2006/mortgage/mt15\\_106.pdf](http://www.tax.state.ny.us/pdf/2006/mortgage/mt15_106.pdf). Form MT-15 provides for an apportionment of the tax based upon the relative assessed value of the real property encumbered by the mortgage. The apportioned tax must be paid to the recording officer where the mortgage is first presented for recording.

### **References:**

Bulletins Replaced:	None
Related Bulletins:	None
Underwriting Manual:	None
Exceptions Manual:	None
Forms:	One
Attachments:	None

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**When to use Form MT-15**

Use Form MT-15 to compute the mortgage recording tax due when the mortgaged real property is located in more than one locality, and the localities where the property is located impose tax at different rates. Use this form in the following instances:

- The mortgaged property is located in more than one county, and one or more but not all of the counties are located in the Metropolitan Commuter Transportation District (MCTD). The MCTD includes the counties of New York, Bronx, Kings, Queens, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester.
- The mortgaged property is located in more than one county and the **additional tax** applies in one or more but not all of the counties.
- The mortgaged property is located in more than one locality, and a local mortgage recording tax applies in one or more of the localities. See Schedule C, *Local mortgage recording taxes*, on page 3 for a list of the counties and cities imposing a local tax.
- The mortgaged property is located partially in and partially outside of Yonkers, but entirely in Westchester County.

Form MT-15 provides for an apportionment of the tax based on the relative assessed value of the real property encumbered by the mortgage. The apportioned tax must be paid to the recording officer of the county where the mortgage was first presented for recording.

Both the Tax Department and the recording officer where the mortgage was first recorded and the tax paid will audit Form MT-15. If there is an underpayment of the tax, the Tax

Department will instruct the recording officer who collected the tax to notify the parties to the mortgage of the underpayment. If there is an overpayment, the Tax Department will notify the taxpayer.

**Alternative to Form MT-15**

In lieu of filing Form MT-15, you may compute the mortgage recording tax as if the real property is located entirely in the locality in which the greatest amount of tax is imposed. This amount of tax will be paid to the recording officer of the county where the mortgage is first presented for recording. Also, you should present Form MT-15-1, *Mortgage Recording Tax Claim for Refund*, to the recording officer to claim a refund.

The recording officer will confirm the relative assessed value of the property located in each locality and submit Form MT-15.1 to the Tax Department. The Tax Department will determine the proper total tax due and the amount of tax to be apportioned to each county. If there is an overpayment, the Tax Department will instruct the appropriate recording officer to refund the amount of the overpayment to the taxpayer or to a duly authorized representative.

**General mortgage recording tax information**

For additional information on the mortgage recording tax, see TSB-M-96(2)R, *General Questions and Answers on the Mortgage Recording Taxes*. You may download a copy from our Web site at [www.nystax.gov](http://www.nystax.gov). The document is also available by fax at 1 800 748-3676, or you can call 1 800 462-8100 to receive a copy by mail.

**Instructions****Schedule A**

**Line 1** — Enter the amount of the mortgage, rounding to the nearest hundred dollars. If the value to be rounded is \$50 or less, round down. If greater, round up.

**Schedule B**

**Line 4** — If the mortgage is for real property **principally improved or to be improved by a one- or two-family residence or dwelling**, subtract \$10,000 from the amount on line 1, and enter the balance on line 4.

**Line 6** — If any portion of the mortgaged property is located in the MCTD, list each county and enter the assessed value of the mortgaged property located in that county. Include any mortgaged property that is located in the counties of New York, Bronx, Kings, Queens, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester. Total the assessed values and enter on line 6.

**Line 8** — If any portion of the mortgaged property is located in a county outside the MCTD that imposes the additional tax, list each county and enter the assessed value of the mortgaged property located in that county. See *Table 2* on page 4 for a list of counties imposing the additional tax. Also include any mortgaged property that is located in the counties of Albany, Chautauqua, Genesee, Rensselaer, Schenectady, Steuben, Wayne, and Wyoming. Total the assessed values and enter on line 8.

**Line 9** — If any portion of the mortgaged property is located in a county that does not impose the additional tax, list each county and enter the assessed value of the mortgaged property located in that county. See *Table 3* on page 4 for a list of counties that do not impose the additional tax. Also include any mortgaged property that is located in the counties of Broome, Columbia, Herkimer, Lewis, Sullivan, and Yates. Total the assessed values and enter on line 9.

**Schedule C**

**Lines 16 through 20** — Enter in decimal form the New York City tax rate for the type of mortgage being recorded from the *New York City* column located in *Table 4* on page 4. The decimal equivalents of the rates are \$1.00 = .01, \$1.125 = .01125, and \$1.75 = .0175.

**Column A** — If the mortgaged property is located in a locality that imposes a separate tax, compute the local tax to be apportioned by multiplying the *Amount of mortgage* on line 1 by the *Tax rate* for the applicable locality. Enter the result in column A.

**Column B** — Enter on the appropriate line the assessed value of the mortgaged property that is located in each county or city that imposes a separate tax on mortgages.

**Note:** The assessed value of the mortgaged property that is located in Yonkers must also be included in the assessed value of the mortgaged property that is located in Westchester County.

**Example:** A mortgage covers property located in White Plains and Yonkers. The assessed value of the property located in White Plains is \$200,000. The assessed value of the property in Yonkers is \$300,000. The assessed value entered in Column B for line 28, Westchester County, is \$500,000. The assessed value entered in Column B for line 29, Yonkers, is \$300,000.

**Column C** — Compute the apportionment factor for each line by dividing the amount in column B, *Assessed value*, by line 10, *Total assessed value*. Carry apportionment factor to at least six decimal places.

**Column D** — Compute the local tax apportioned for each line by multiplying column A, *Local tax to be apportioned*, by column C, *Apportionment factor*.

# Mortgage Recording Tax Return

Prepare in duplicate. Please read the instructions on page 1 before completing this form.

Name of mortgagee			Amount of mortgage
Name of mortgagor			
Mailing address of mortgagor			Date of mortgage
City	State	ZIP code	

## Schedule A - Basic and special additional mortgage recording taxes

		Tax due
1 Amount of mortgage (rounded to the nearest hundred dollars) .....	1.	
2 Basic tax (multiply line 1 by .005) .....	2.	
3 Special additional tax (multiply line 1 by .0025) .....	3.	

## Schedule B - Additional mortgage recording tax

4	Mortgage amount after exclusion for mortgages on certain residential real property (see instructions for exclusion criteria). If exemption does not apply, enter amount from line 1 .....	4.													
5	Additional tax to be apportioned in MCTD (multiply line 4 by .0030) .....	5.													
6	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:25%;">MCTD counties imposing additional tax</th> <th style="width:25%;">Assessed value</th> <th style="width:50%;"></th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td style="text-align: center;">Attach additional sheets if necessary</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	MCTD counties imposing additional tax	Assessed value				Attach additional sheets if necessary							6.	
MCTD counties imposing additional tax	Assessed value														
		Attach additional sheets if necessary													
7	Additional tax to be apportioned outside MCTD (multiply line 4 by .0025) .....	7.													
8	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:25%;">Counties imposing additional tax outside MCTD</th> <th style="width:25%;">Assessed value</th> <th style="width:50%;"></th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td style="text-align: center;">Attach additional sheets if necessary</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Counties imposing additional tax outside MCTD	Assessed value				Attach additional sheets if necessary							8.	
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Counties suspending additional tax	Assessed value														
		Attach additional sheets if necessary													
10	Total assessed value (add lines 6, 8, and 9) .....	10.													
11	Apportionment factor for MCTD counties (divide line 6 by line 10)* .....	11.	.												
12	Additional mortgage recording tax apportioned to MCTD counties (multiply line 5 by line 11) .....	12.													
13	Apportionment factor for counties outside MCTD (divide line 8 by line 10)* .....	13.	.												
14	Additional mortgage recording tax apportioned to counties outside MCTD (multiply line 7 by line 13) .....	14.													

\* Carry apportionment factor on lines 11 and 13 to at least six decimal places.

15 Total from page 2 (add lines 2, 3, 12, and 14 on page 2) .....

15.	
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**Schedule C - Local mortgage recording taxes**

	Locality	Tax rate	A Local tax to be apportioned <i>(multiply line 1 amount by tax rate)</i>	B Assessed value	C* Apportionment factor <i>(divide column B by line 10 amount)</i>	D Local tax apportioned <i>(multiply column A by column C)</i>
16	New York County <i>(see instructions)</i>	_____			.	16.
17	Bronx County <i>(see instructions)</i>	_____			.	17.
18	Kings County <i>(see instructions)</i>	_____			.	18.
19	Queens County <i>(see instructions)</i>	_____			.	19.
20	Richmond County <i>(see instructions)</i>	_____			.	20.
21	Albany County	.0025			.	21.
22	Broome County	.0025			.	22.
23	Chautauqua County	.0025			.	23.
24	Columbia County	.0050			.	24.
25	Genesee County	.0025			.	25.
26	Herkimer County	.0025			.	26.
27	Lewis County	.0025			.	27.
28	Rensselaer County	.0025			.	28.
29	Rockland County	.0025			.	29.
30	Schenectady County	.0025			.	30.
31	Steuben County	.0025			.	31.
32	Sullivan County	.0025			.	32.
33	Wayne County	.0025			.	33.
34	Westchester County <i>(including Yonkers)</i>	.0025			.	34.
35	Yonkers (city)	.0050			.	35.
36	Wyoming County	.0025			.	36.
37	Yates County	.0025			.	37.
38	<b>Total tax due</b> <i>(add lines 15 through 37 above)</i>					38.

\* Carry apportionment factor in column C amounts to at least six decimal places.

Signature of preparer	Date
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**Rate tables**

(Rate for each \$100 and remaining major fraction thereof on principal debt secured by a mortgage)

**Table 1 — MCTD counties imposing the basic tax, special additional tax, and additional tax only (\$1.05)**

Dutchess	Nassau	Orange	Putnam	Suffolk
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**Table 2 — Counties outside the MCTD imposing the basic tax, special additional tax, and additional tax only (\$1.00)**

Allegany	Delaware	Fulton	Oneida	Saratoga	Washington
Cattaraugus	Erie	Livingston	Onondaga	Schuyler	
Cayuga	Essex	Monroe	Orleans	Seneca	
Clinton	Franklin	Niagara	Oswego	Warren	

**Table 3 — Counties imposing the basic tax and special additional tax only (\$.75)**

Chemung	Greene	Madison	Otsego	Tioga
Chenango	Hamilton	Montgomery	St Lawrence	Tompkins
Cortland	Jefferson	Ontario	Schoharie	Ulster

**Table 4 — New York City counties of New York, Bronx, Kings, Queens, and Richmond imposing the basic tax, special additional tax, additional tax, and New York City tax**

	New York City tax	Basic tax	Special additional tax	Additional tax	Total
— All mortgages securing less than \$500,000.....	\$1.00	\$ .50	\$ 25	\$ .30	\$2.05
— Mortgages of one-, two-, or three-family houses and individual residential condominium units, securing \$500,000 or more .....	\$1.125	\$ .50	\$ 25	\$ .30	\$2.175
— All other mortgages securing \$500,000 or more .....	\$1.75	\$ .50	\$ 25	\$ .30	\$2.80

**Table 5 — Other counties and cities imposing a local tax**

Taxing jurisdiction	Local tax	Basic tax	Special additional tax	Additional tax	Total tax
Albany County	\$.25	\$.50	\$.25	\$.25	\$1.25
Broome County	\$.25	\$.50	\$.25		\$1.00
Chautauqua County	\$.25	\$.50	\$.25	\$.25	\$1.25
Columbia County	\$.50	\$.50	\$.25		\$1.25
Genesee County	\$.25	\$.50	\$.25	\$.25	\$1.25
Herkimer County	\$.25	\$.50	\$.25		\$1.00
Lewis County	\$.25	\$.50	\$.25		\$1.00
Rensselaer County	\$.25	\$.50	\$.25	\$.25	\$1.25
Rockland County	\$.25	\$.50	\$.25	\$.30	\$1.30
Schenectady County	\$.25	\$.50	\$.25	\$.25	\$1.25
Steuben County	\$.25	\$.50	\$.25	\$.25	\$1.25
Sullivan County	\$.25	\$.50	\$.25		\$1.00
Wayne County	\$.25	\$.50	\$.25	\$.25	\$1.25
Westchester County	\$.25	\$.50	\$.25	\$.30	\$1.30
Yonkers (city)	\$.50	\$.50	\$.25	\$.30	\$1.80*
Wyoming County	\$.25	\$.50	\$.25	\$.25	\$1.25
Yates County	\$.25	\$.50	\$.25		\$1.00

\* Includes the \$.25 Westchester County local tax. See the note and example in the instructions for *Schedule C, Column B*, on page 1.



If you have any questions or require technical assistance with Form MT-15, please call 1 888 698-2914