

LAWS OF NEW YORK, 2008

CHAPTER 288

AN ACT to amend the civil practice law and rules, in relation to authorizing counties to increase the fees imposed by the county clerk for the recording, entering, indexing and endorsing a certificate on any instrument

Became a law July 7, 2008, with the approval of the Governor. Passed on message of necessity pursuant to Article III, section 14 of the Constitution by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph a of paragraph 4 of subdivision (a) of section 8021 of the civil practice law and rules, as amended by chapter 78 of the laws of 1989, is amended to read as follows:

a. (1) For recording, entering, indexing and endorsing a certificate on any instrument, five dollars, and, in addition thereto, three dollars for each page or portion of a page, and fifty cents for each additional town, city, block or other indices in which such instrument is to be indexed as directed by the endorsement thereon. On the assignment of a mortgage which assigns more than one mortgage or on a release of lease which releases more than one lease, then there shall be an additional fee of three dollars for every mortgage assigned or lease released in excess of one.

(2) Notwithstanding clause one of this subparagraph, any county may opt by county law to increase the fee for recording, entering, indexing and endorsing a certificate on any instrument from five dollars to twenty dollars and, in addition thereto, increase from three dollars to five dollars for each page or portion of a page. Such increase shall take effect thirty days after the county enacts such fees. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the extent a county clerk has placed an image of such cover page online, such county clerk shall make a good faith effort to redact such information.

§ 2. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK **ss:**

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly

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

SUMMARY:

S8713 JOHNSON O Same as [A 11762](#) Rules (Lavine)
O. JOHNSON
Amd S8021, CPLR

Authorizes any county to increase the fee imposed by the county clerk for recording, entering, indexing and endorsing a certificate on any instrument.

EFF. DATE 07/07/2008

SPONSORS MEMO:

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S8713

SPONSOR: JOHNSON O

TITLE OF BILL:

An act to amend the civil practice law and rules, in relation to authorizing counties to increase the fees imposed by the county clerk for the recording, entering, indexing and endorsing a certificate on any instrument

PURPOSE:

To allow county clerks, at local option, to increase the fees charged for certain documents recorded with the county clerk's office.

SUMMARY OF PROVISIONS:

Section 1 of the bill would amend section 8021 of the Civil Practice Law and Rules to allow county governments, at local option, to increase the fee for recording, entering, indexing and endorsing a certificate on any instrument from \$5 to \$20 and to increase the per-page fee from \$3 per-page to \$5 per-page. It also prohibits a cover page from including social security numbers and/or date of birth.

Section 2 of the bill makes the effective date immediately.

JUSTIFICATION:

This legislation, introduced at the request of the New York State Association of Counties, and their members would allow individual counties, outside of New York City, to increase, through the adoption of local law, the mortgage recording fee from \$5 to \$25 and to increase the per page fee from \$3 to \$5.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

Should an individual county opt to pass local legislation to increase the filing fees in that county, the bill would generate additional revenue for such county. The quantity of such revenue would vary with the volume of filings in such county.

EFFECTIVE DATE:

This act shall take effect immediately.