

## **Additional Rules for ACRIS Supplements**

**Last Update 12/23/2019**

**(updates since last version highlighted)**

When creating an ACRIS Cover Page the allowed supplements are determined by the provided document type. In most cases these supplements are then either required or optional on their face; however some supplements that on their face are optional become required if additional conditions are met. This document details those additional conditions.

### **SPREADER MORTGAGE AFFIDAVIT**

If the submitted document is a Spreader or Additional Collateral Mortgage where non-standard conditions apply, then a Spreader Mortgage Affidavit supplement must be supplied. A Spreader or Additional Collateral Mortgage has non-standard conditions if the answer to **either** of the following is **No**:

- a. Is/are the property(ies) from which the mortgage is to be spread to be released from the original mortgage as part of this transaction and the mortgagor released from any obligation under the indebtedness secured by the original recorded mortgage?
- b. Is/are one or more of the property(ies) to be covered by the spread mortgage(s) owned by a person NOT related to the mortgagor? ("Related" is defined in the statute as the same as the definition in 253-a(2)(b) except 25% is substituted for 50%.)

In the ACRIS EtaxCoverPage XSD, the answer to this question is provided under the element `SpreaderOrAdditionalCollateralMortgage` where a value of true corresponds to Yes and false to No.

In the case of a Spreader or Additional Collateral Mortgage where non-standard conditions apply the submitter must also independently compute and then provide the breakdown of the mortgage recording taxes due by the following components: County (Basic), City, SAT, TASF, MTA and NYCTA. These tax amounts are provided under the element `TaxesDueCurrentMortgage`. These components can be computed for the adjusted taxable mortgage amount using the ACRIS Tax Calculator functionality and then can be further adjusted to account for any addition component specific conditions.

### **253 MORTGAGE TAX EXEMPT AFFIDAVIT**

If the submitted document is broadly speaking a Mortgage in the sense that it requires that Mortgage Recording Tax details be supplied and an exemption is claimed under Tax Law Section 253, then a 253 Mortgage Tax Exempt Affidavit supplement must be supplied. Using the EtaxCoverPageWS interface a Tax Law Section 253 - .25% Exemption can be claimed by providing the element `Section253PartialExemption` with a value of true. Similarly a Tax Law Section 253 - Full Exemption (Exempt Entity) can be claimed by providing the element `Section253FullExemption` with a value of true. Effective July 1, 2017 and reflect in ACRIS as of 4/16/2019, a mortgage of real property executed, given,

made, transferred, or assigned by or to an IDA, an agent of an Industrial Development Agency (“IDA”), or an entity receiving financial assistance from an IDA, is not exempt from the *additional mortgage recording tax* imposed by Tax Law section 253 when the real property that is subject to the mortgage is located in a county that is part of a transportation district. If a mortgage transaction involves an IDA, provide the element Section253IDAExemption with a value if true and include the 253 MORTGAGE TAX EXEMPT AFFIDAVIT.

### **255 MORTGAGE TAX EXEMPT AFFIDAVIT**

If the submitted document is broadly speaking a Mortgage in the sense that it requires that Mortgage Recording Tax details be supplied and an alternate tax payment is claimed under Tax Law Section 255, then a 255 Mortgage Tax Exempt Affidavit supplement must be supplied. Using the EtaxCoverPageWS interface a Tax Law Section 255 - Supplemental Mortgage Exemption can be claimed by providing the element Section255SupplementalMortgage with a value of true.

If a Tax Law Section 255 - Supplemental Mortgage exemption is claimed, then the submitter must also independently compute and then provide the breakdown of the mortgage recording taxes due by the following components: County (Basic), City, SAT, TASF, MTA and NYCTA. These tax amounts are provided under the element TaxesDueCurrentMortgage. These components can be computed for the adjusted taxable mortgage amount using the ACRIS Tax Calculator functionality and then can be further adjusted to account for any addition component specific conditions.

### **280 MORTGAGE TAX EXEMPT AFFIDAVIT**

If the submitted document is broadly speaking a Mortgage in the sense that it requires that Mortgage Recording Tax details be supplied and an exemption is claimed under Tax Law Section 280, then a 280 Mortgage Tax Exempt Affidavit must be supplied. Using the EtaxCoverPageWS interface a Tax Law Section 280 - Reverse Mortgage Exemption can be claimed by providing the element Section280ReverseMortgageExemption with a value of true.

### **339EE MORTGAGE TAX EXEMPT AFFIDAVIT**

If the submitted document is broadly speaking a Mortgage in the sense that it requires that Mortgage Recording Tax details be supplied and an exemption is claimed under Tax Law Section 339EE, then a 339EE Mortgage Tax Exempt Affidavit must be supplied. Using the EtaxCoverPageWS interface a Tax Law Section 339EE - First Sale of Condominium Unit(s) can be claimed by providing the element Section339EEFirstSale with a value of true.

If a Tax Law Section 339EE - First Sale of Condominium Unit(s) exemption is claimed, then the submitter must provide the taxes paid on the existing mortgage so the appropriate credit can be computed. These existing taxes should be given for the following components: County (Basic), City (Combined City and NYCTA) and MTA. Using the EtaxCoverPageWS interface these are given in the top level TaxesPaidExistingMortgage element which is composed of the following matching child elements: CountyPaid, CityPaid and MTAPaid.

## CONTRACT OF SALE/CLOSING STATEMENT

As of 1/5/2015 if the submitted document or transfer tax cover page includes an associated tax transaction with an NYC RPT tax form and the total consideration on the tax form is greater than or equal to \$400,000, then a Contract of Sale / Closing Statement must be supplied. Prior to 1/5/2015, the Contract of Sale/Closing Statement was only required for submission of recordable documents with associated NYC RPT form where the consideration was greater than \$400,000.

## RELEASE DOCUMENT ANSWERS TO QUESTIONS

If the type of the document being submitted is RELEASE or PARTIAL RELEASE OF MORTGAGE, then the RELEASE DOCUMENT ANSWERS TO QUESTIONS supporting document must be included. This supporting document is a supplement which lists the YES or NO responses to the following three questions:

Is this release being recorded:

- i. Pursuant to an initial condominium offering?
- ii. In connection with a sale of a lot in a subdivision?
- iii. A transfer of the released property in a transaction exempt from federal income tax under Internal Revenue Code §1031?

When preparing a document for submission using the interactive Cover Page application the preparer is presented with the following screen whenever the RELEASE or PARTIAL RELEASE OF MORTGAGE is chosen

ACRIS Release / Partial Release Information -- Webpage Dialog

New York City Department of Finance  
Office of the City Register

**Automated City Register Information System**  
**Release / partial Release Information**

**Is this release being recorded:**

YES  NO **i. Pursuant to an initial condominium offering?**

YES  NO **ii. In connection with a sale of a lot in a subdivision?**

YES  NO **iii. A transfer of the released property in a transaction exempt from federal income tax under Internal Revenue Code §1031?**

Please print these questions and attach as a Supporting Document.

PRINT

And as shown are instructed to select the applicable YES or NO radio button and print the result.

### **AFFIDAVIT FOR ADJACENT CONDOMINIUM UNIT(S) TO BE COMBINED INTO A SINGLE UNIT**

If the property type for one of the properties associated with the document is ADJACENT CONDOMINIUM UNIT TO BE COMBINED (which has ACRIS code CA), then an Affidavit for Adjacent Condominium Unit(s) to be Combined into a Single Unit must be supplied.

### **AFFIDAVIT FOR ADJACENT COOPERATIVE UNIT(S) TO BE COMBINED INTO A SINGLE UNIT**

If the property type for one of the properties associated with the document is ADJACENT COOPERATIVE UNIT TO BE COMBINED (which has ACRIS code SA), then an Affidavit for Adjacent Cooperative Unit(s) to be Combined into a Single Unit must be supplied.

### **AFFIDAVIT FOR MISSING TAXPAYER IDENTIFICATION NUMBER**

Any cover page submission with an associated NYC RPT form which includes an invalid SSN or EIN for one or more parties will be required to include an AFFIDAVIT FOR MISSING TAXPAYER IDENTIFICATION NUMBER behind the ACRIS RPTT Cover Page.

### **NAME & TIN OF EACH GENERAL PTR FOR ALL PARTNERSHIPS / AFFIDAVIT FOR MISSING TINS**

Any cover page submission with an associated NYC RPT form **created on or 5/18/2015** which includes a grantor or grantee that is a partnership will be required to include NAME & TIN OF EACH GENERAL PTR FOR ALL PARTNERSHIPS / AFFIDAVIT FOR MISSING TINS supporting documentation behind the ACRIS RPTT Cover Page. The NAME & TIN OF EACH GENERAL PTR FOR ALL PARTNERSHIPS / AFFIDAVIT FOR MISSING TINS supporting documentation is a list of each general partner in the partnership with SSN/EIN or an affidavit documenting why the general partner list with SSN/EIN is not available.

### **NAME & TIN OF EACH MEMBER FOR ALL MULTI MEMBER LLCS / AFFIDAVIT FOR MISSING TINS**

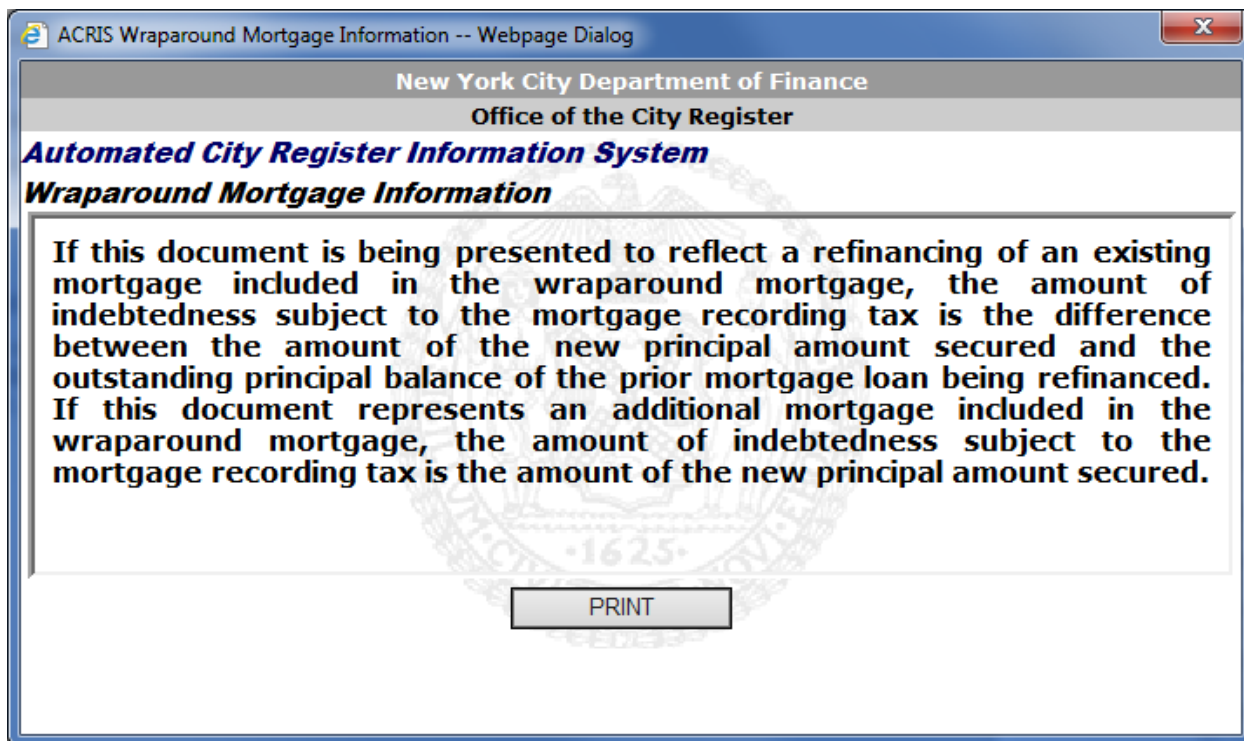
Any cover page submission with an associated NYC RPT form **created on or 5/18/2015** which includes a grantor or grantee that is a multiple member LLC will be required to include NAME & TIN OF EACH MEMBER FOR ALL MULTI MEMBER LLCS / AFFIDAVIT FOR MISSING TINS supporting documentation behind the ACRIS RPTT Cover Page. The NAME & TIN OF EACH MEMBER FOR ALL MULTI MEMBER LLCS / AFFIDAVIT FOR MISSING TINS supporting documentation is a list of members in the LLC with SSN/EIN or an affidavit documenting why the member list with SSN/EIN is not available.

### **HDFC EXEMPTION SUPPORTING DOCUMENTATION**

Any cover page submission with an associated NYC RPT form with condition of transfer *w, Transfer to an HDFC or an entity controlled by an HDFC*, and non-zero HDFC exemption amount will be require to include HDFC EXEMPTION SUPPORTING DOCUMENTATION behind the ACRIS RPTT Cover Page. The HDFC EXEMPTION SUPPORTING DOCUMENTATION includes the HDFC regulatory agreement and if applicable, organizational documents that show the HDFC's controlling ownership interest in any non-HDFC transferor or transferee.

## WRAPAROUND MORTGAGE ANSWERS TO QUESTIONS

Unlike with the previous supporting documents addressed so far in this document, the WRAPAROUND MORTGAGE ANSWERS TO QUESTIONS is only required if the filer explicitly chooses it as a supporting document. This supporting document is being addressed in this document only because the only source of the WRAPAROUND MORTGAGE ANSWERS TO QUESTIONS document is the ACRIS system; however this document is simply the statement shown in the screenshot below clarifying the rules around wraparound mortgages:



There is no actual validation performed for this type of supporting document.

## CONTRACT APRIL 1, 2019 OR PRIOR DOCUMENTATION

Beginning on July 1, 2019, certain conveyances of real property or interests therein, located in New York City became subject to new NYS Real Estate Transfer Tax (RETT) rates unless the conveyance was made pursuant to a binding written contract entered into on or before April 1, 2019. On June 16, 2019 ACRIS was updated both to support the new rates for conveyances made on July 1, 2019 or later and to allow for an exception to these rates when the conveyance was made pursuant to a binding written contract entered into on or before April 1, 2019. Whenever the exception is claimed, the NYS RETT return submitter must submit independent proof of the binding written contract as CONTRACT APRIL 1, 2019 OR PRIOR DOCUMENTATION supporting documentation.

## **NYS MANDATED NAME & ADDRESS OF EACH NATURAL MEMBER FOR ALL LLCs**

Effective September 13, 2019, when a limited liability company is the grantor or grantee in a real property deed transfer of a building containing one- to four-family dwelling units, an enhanced member list must be attached to Form NYC-RPT. This new enhanced member list is to be provided as an alternative to the identifying information requested in the instructions for Form NYC-RPT. The enhanced member list must include the name and business address of all members, managers, and other authorized persons of the LLC. If any member of the LLC is itself an LLC or other business entity, the names and business addresses of the shareholders, directors, officers, members, managers and/or partners of that LLC or other business entity must also be provided until ultimate ownership by natural persons is disclosed. The term "natural person" means a human being who is the beneficial owner of the real property. A natural person cannot be a corporation or partnership, a person or people operating a business under a doing-business-as name, an estate, or a trust. This member list is referred to in ACRIS as the **NYS MANDATED NAME & ADDRESS OF EACH NATURAL MEMBER FOR ALL LLCs** supporting document. Note that while required and an acceptable reason for rejection for transfers effective September 13, 2019, ACRIS will only start supporting and helping enforce this requirement going forward.