

**New York State Department of Taxation and Finance**  
**Taxpayer Services Division**  
**Technical Services Bureau**

TSB-M-92 (3) R  
Real Property Transfer  
Gains Tax and Real Estate  
Transfer Tax  
July 28, 1992

1992 Amendments to the Real Property  
Transfer Gains Tax and the Real Estate Transfer Tax

Article 31-B of the Tax Law, the tax on gains derived from certain real property transfers (the gains tax), and Article 31 of the Tax Law, the real estate transfer tax (the transfer tax), were amended on June 30, 1992, through the enactment of chapter 234 of the Laws of 1992.

Chapter 234 amended sections 1447 and 1449-b of Article 31-B and section 1409 of Article 31 to modify the filing requirements for both gains tax and transfer tax purposes, applicable to a conveyance of an easement or license to a public utility.

Specifically, subparagraph (1) of paragraph (f) of subdivision 1 of section 1447 of the Tax Law is amended so that a county clerk or register of a county may accept for record, without a statement of tentative assessment and return (Form TP-582), or an affidavit (Schedule B of Form TP-584), a conveyance of an easement or license to a public utility as defined in subdivision 2 of section 186-a of the Tax Law, if the consideration for the easement or license grant is two dollars or less, provided that the consideration is clearly stated in the instrument of conveyance.

Chapter 234 also amends subdivision 2 of section 1449-b of the Tax Law to provide that a county clerk or register of a county will be paid a fee of one dollar for the recording of an easement or license to a public utility even if a tentative assessment and return or an affidavit is not required to be filed, as provided in newly amended section 1447 as described in the preceding paragraph.

In addition, subdivision (a) of section 1409 of the Tax Law is amended by Chapter 234 to provide that for purposes of the transfer tax, the filing of a joint return (Schedule C of Form TP-584) is not required for a conveyance of an easement or license to a public utility as defined in subdivision two of section 186-a of the Tax Law, if the consideration for the easement or license is two dollars or less, provided that the consideration is clearly stated in the instrument of conveyance. Therefore, a county clerk or register of a county may record an instrument effecting such a conveyance without requiring the filing of such return.

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Effective Date

The amendments made by Chapter 234 shall take effect on August 29, 1992, and shall apply to affected conveyances recorded or made on or after such date.