

**This memorandum replaces TSB-M-96(3)-R,
issued July 16, 1996, which should be destroyed.
Some copies include an incorrect telephone number.**

**Repeal of the Real Property Transfer Gains Tax
(Article 31-B of the Tax Law)**

The Real Property Transfer Gains Tax imposed by Article 31-B of the Tax Law (the "gains tax") was repealed on July 13, 1996. The repeal applies to transfers of real property that occur on or after June 15, 1996. (See sections 171 through 180 of Ch. 309 of the Laws of 1996.)

While you are still required to file Form TP-584, as of July 13, 1996, you are no longer required to comply with any of the gains tax filing requirements for a conveyance or transfer that occurs on or after June 15, 1996. Therefore, you do not need to comply with the gains tax pre-transfer audit procedure or complete the gains tax affidavit portion of Form TP-584 (Schedule B of Form TP-584) for conveyances or transfers that occur on or after that date.

The Tax Department is revising Form TP-584 to eliminate the gains tax affidavit section of the form. A revised Form TP-584 will be available soon.

You may apply for a refund of any gains tax paid with respect to any transfers of real property that occurred on or after June 15, 1996. Use Form TP-165.8 to apply for your refund.

The Tax Department will distribute additional information in the future that will provide specific details regarding the repeal of the gains tax. If you have any immediate questions, please call our Taxpayer Assistance Bureau at 1 800 CALL TAX (1 800 225-5829). This is a toll-free number for calls made from inside New York State. If you are calling from outside New York State, call (518) 438-8581.

When the revised Form TP-584 becomes available, it may be ordered through the Tax Department's new Fax-on-Demand system. The system provides callers with a toll-free number for ordering documents on the Fax-on-Demand system. The system is available 24 hours a day, seven days a week. The toll-free number for the system is 1 800 748 FORM (1 800 748-3676).