

STATE OF NEW YORK

5405

2021-2022 Regular Sessions

IN ASSEMBLY

February 16, 2021

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to clarifying that certain documents attached to real estate tax returns are not considered tax returns for certain secrecy purposes

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

1 Section 1. Subdivision (a) of section 1409 of the tax law, as amended
2 by chapter 297 of the laws of 2019, is amended to read as follows:

3 (a) A joint return shall be filed by both the grantor and the grantee
4 for each conveyance whether or not a tax is due thereon other than a
5 conveyance of an easement or license to a public utility as defined in
6 subdivision two of section one hundred eighty-six-a of this chapter or
7 to a public utility which is a provider of telecommunication services as
8 defined in subdivision one of section one hundred eighty-six-e of this
9 chapter, where the consideration is two dollars or less and is clearly
10 stated as actual consideration in the instrument of conveyance. When the
11 grantor or grantee of a deed for residential real property containing
12 one- to four-family dwelling units is a limited liability company, the
13 joint return shall not be accepted for filing unless it is accompanied
14 by a document which identifies the names and business addresses of all
15 members, managers, and any other authorized persons, if any, of such
16 limited liability company and the names and business addresses or, if
17 none, the business addresses of all shareholders, directors, officers,
18 members, managers and partners of any limited liability company or other
19 business entity that are to be the members, managers or authorized
20 persons, if any, of such limited liability company. Such accompanying
21 document shall not be considered a return or be subject to the secrecy
22 provisions set forth in section fourteen hundred eighteen of this arti-
23 cle. The identification of such names and addresses shall not be deemed
24 an unwarranted invasion of personal privacy pursuant to article six of

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

LBD08461-01-1

1 the public officers law. If any such member, manager or authorized
2 person of the limited liability company is itself a limited liability
3 company or other business entity, the names and addresses of the share-
4 holders, directors, officers, members, managers and partners of the
5 limited liability company or other business entity shall also be
6 disclosed until full disclosure of ultimate ownership by natural persons
7 is achieved. For purposes of this subdivision, the terms "members",
8 "managers", "authorized person", "limited liability company" and "other
9 business entity" shall have the same meaning as those terms are defined
10 in section one hundred two of the limited liability company law. The
11 return shall be filed with the recording officer before the instrument
12 effecting the conveyance may be recorded. However, if the tax is paid to
13 the commissioner pursuant to section fourteen hundred ten of this arti-
14 cle, the return shall be filed with such commissioner at the time the
15 tax is paid. In that instance, a receipt evidencing the filing of the
16 return and the payment of tax shall be filed with the recording officer
17 before the instrument effecting the conveyance may be recorded. The
18 recording officer shall handle such receipt in the same manner as a
19 return filed with the recording officer.
20 § 2. This act shall take effect immediately.