

1492

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, V. LOPEZ -- read once and referred to the
Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to requiring the disclosure to the petitioner of the assessing method, capitalization rate, and certain other information used to determine valuation by the respondent in a judicial proceeding brought to review an assessment of real property in a city having a population of one million or more

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 2 of section 714 of the real property tax law
2 is amended to read as follows:
3 2. If the respondent has not served an answer or moved to dismiss the
4 petition prior to the service of a note of issue, except as hereinbefore
5 provided, in order to raise an objection to the sufficiency of the peti-
6 tion or assert an affirmative defense upon the hearing, he OR SHE must
7 serve upon the petitioner within forty days after the service of a note
8 of issue, a notice containing a statement of the nature of such
9 objection or such defense, unless for good cause the time to serve such
10 notice is extended by the court or a justice thereof, on an order to
11 show cause. Unless the petitioner and respondent stipulate in writing
12 for a hearing at an earlier date, no hearing shall be held less than
13 thirty days after service of such notice upon the petitioner. THE
14 ANSWER OR NOTICE SERVED PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION
15 SHALL DISCLOSE THE ASSESSING METHOD USED, ANY CAPITALIZATION RATE USED,
16 AND ANY OTHER DATA OR FORMULA USED TO DETERMINE THE VALUATION OF THE
17 REAL PROPERTY.
18 S 2. This act shall take effect on the thirtieth day after it shall
19 have become a law and shall apply to proceedings commenced or pending on
20 or after its effective date, and, in addition, the disclosure of the
21 information required to be disclosed by the amendment made to subdivi-

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

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1 sion 2 of section 714 of the real property tax law by section one of
2 this act shall, if the time for such disclosure pursuant to the
3 provisions of such subdivision 2 has passed in a proceeding pending on
4 the effective date of this act, be made within thirty days of the effec-
5 tive date of this act, and the petitioner shall have a continuance of
6 thirty days from receipt thereof to review such disclosures and submit
7 or modify such documents or other evidence, or make such motions, as
8 such disclosures may prompt.