

3853

2009-2010 Regular Sessions

I N   S E N A T E

April 2, 2009

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Introduced by Sens. KRUEGER, HUNTLEY, MONSERRATE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to providing an owner of a dwelling unit access to tax abatement applications submitted on behalf of the condominium

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

1     Section 1. Subdivision 4 of section 467-a of the real property tax  
2     law, as added by chapter 273 of the laws of 1996, is amended to read as  
3     follows:  
4     4. Except in accordance with proper judicial order or as otherwise  
5     provided by law, neither the commissioner of finance, nor any officer or  
6     employee of a department of finance of a city having a population of one  
7     million or more, nor any person who, pursuant to this subdivision, is  
8     authorized to inspect the application or statements in connection there-  
9     with required by this section, shall disclose or make known the contents  
10    of any such application or statements. Except as provided in this subdi-  
11    vision, the officers charged with the custody of any such application or  
12    statements shall not be required to produce them in any action or  
13    proceeding in any court or before any administrative tribunal, but any  
14    such application or statements may be produced on behalf of the depart-  
15    ment of finance. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO  
16    PROHIBIT DELIVERY UPON REQUEST OF A COPY OF ANY SUCH APPLICATION OR  
17    STATEMENTS, WITH PERSONALLY IDENTIFYING INFORMATION REDACTED, TO AN  
18    OWNER OF A DWELLING UNIT OF A PROPERTY SITUATED IN A CITY HAVING A POPU-  
19    LATION OF ONE MILLION OR MORE. Nothing in this subdivision shall be  
20    construed to prohibit the delivery of a certified copy of any such  
21    application or statements to the United States of America or any depart-  
22    ment thereof, the state of New York or any department thereof, or a city  
23    having a population of one million or more or any department thereof,

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

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1 provided any such application or statements are required for official  
2 business; nor to prohibit the inspection for official business of any  
3 such application or statements by the tax commission of a city having a  
4 population of one million or more, or by the corporation counsel or  
5 other legal representative of a city having a population of one million  
6 or more, or by any person engaged or retained by the department of  
7 finance on an independent contract basis; nor to prohibit the publica-  
8 tion of statistics so classified as to prevent the [indentification]  
9 IDENTIFICATION of any particular application or statements. The forego-  
10 ing provisions of this subdivision prohibiting disclosure of the  
11 contents of applications or statements shall not apply to physical data  
12 relating to the property described therein.

13 S 2. Subdivision 8 of section 467-a of the real property tax law, as  
14 amended by chapter 97 of the laws of 2004, is amended to read as  
15 follows:

16 8. [The] EXCEPT TO THE EXTENT THAT THE OWNER OF A DWELLING UNIT OF A  
17 PROPERTY SITUATED IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE  
18 MAY REQUEST A REDACTED COPY OF ANY APPLICATION OR STATEMENTS FILED IN  
19 CONNECTION THEREWITH, AS PROVIDED IN SUBDIVISION FOUR OF THIS SECTION,  
20 THE information contained in applications or statements in connection  
21 therewith filed with the commissioner of finance pursuant to subdivision  
22 three, three-a, three-b or three-c of this section shall not be subject  
23 to disclosure under article six of the public officers law.

24 S 3. This act shall take effect on the thirtieth day after it shall  
25 have become a law.