S T A T E O F N E W Y O R K

674

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law and the real property law, in relation to notifying certain property owners of record of changes to a parcel and coordinating tax maps with surveyor maps

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

Section 1. Subdivision 2 of section 503 of the real property tax law, as added by chapter 472 of the laws of 1984, is amended to read as follows:

2. The originals of tax maps approved under this section shall be filed in the office of the county director of real property tax services. With the cooperation and concurrence of the assessor, the county director shall make such changes from year to year upon such tax maps as may be necessary to maintain the maps in current condition INCLUDING THE DATE THE CHANGES WERE MADE AND THE NAME OF THE PERSON MAKING SUCH CHANGES; PROVIDED, HOWEVER, IF A SURVEY IS DONE ON A PARCEL, SUCH SURVEY SHALL BE COORDINATED WITH THE TAX MAP OF THE SAME PARCEL AND IF THERE IS A DISCREPANCY, ALL AFFECTED LANDOWNERS SHALL BE NOTIFIED BY THE LICENSED LAND SURVEYOR AS PROVIDED IN SECTION THREE HUNDRED THIRTY-FOUR-B OF THE REAL PROPERTY LAW. The expense of maintaining such tax maps in current condition shall be a county charge and shall be levied ad valorem upon all taxable property in the county. On such dates as are appropriate for use in connection with the preparation of assessment rolls, the county director shall furnish each city, town and village that assesses real property for purposes of taxation with a copy of the approved tax map or pertinent portion thereof in current condition. Such copy of the map shall be a public record and shall be filed in the office of the assessor of the city, town or village; provided, however, that if the city, town or village does not maintain an office for the

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

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assessor, the map shall be filed in the office of the city, town or village clerk. The county director may file an additional copy of the tax map in the office of the county clerk and shall provide such additional copies to such county or other government agencies as the legislative body of the county may direct.

S 2. The section heading of section 334 of the real property law, as amended by section 687 of the laws of 2005, is amended, subdivisions 1, 2, 3, 4, 5, 6 and 7 are renumbered subdivisions 2, 3, 4, 5, 6, 7 and 8 and a new subdivision 1 is added to read as follows:

[Maps] NOTICE REQUIREMENTS; MAPS to be filed; penalty for nonfiling.

1. IT SHALL BE THE DUTY OF EVERY PERSON OR CORPORATION WHO, AS OWNER OR AGENT, SUBDIVIDES REAL PROPERTY INTO LOTS, PLOTS, BLOCKS OR SITES, WITH OR WITHOUT STREETS, FOR SALE TO THE PUBLIC TO PUBLISH NOTICE OF SUCH PLAN TO SURVEY OR HAVE SURVEYED SUCH REAL PROPERTY PRIOR TO SUCH SUBDIVIDING OF REAL PROPERTY. SUCH PUBLISHED NOTICE SHALL BE IN TWO LOCAL NEWSPAPERS, AT LEAST ONE IN THE ENGLISH LANGUAGE, MOST LIKELY TO GIVE NOTICE TO ANY INTERESTED PERSONS, FOR A PERIOD OF TEN CONSECUTIVE DAYS PRIOR TO SURVEY, AND AT LEAST ONCE A WEEK IN EACH OF FOUR SUCCESSIVE WEEKS AFTER SUCH SURVEY HAS BEEN MADE. IT SHALL ALSO BE THE DUTY OF THE LICENSED LAND SURVEYOR TO PROVIDE NOTICE TO THE PUBLIC OF A LAND SURVEY BY POSTING SIGNS ON OR NEAR THE PROPERTY TO BE SURVEYED TEN DAYS PRIOR TO, DURING, AND FOR THIRTY DAYS AFTER THE LAND SURVEY.

S 3. The real property law is amended by adding a new section 334-b to read as follows:

S 334-B. DISCREPANCY AMONG LAND MAPS; PENALTY FOR FAILURE TO NOTIFY. IT SHALL BE THE DUTY OF THE LICENSED LAND SURVEYOR TO PROVIDE WRITTEN NOTICE TO HIS OR HER CLIENT WITHIN SIXTY DAYS OF A LAND SURVEY, AS WELL AS ALL OF THE ADJACENT LANDOWNERS, OF ANY DISCREPANCY BETWEEN THE LAND MAP TO BE FILED BY SUCH SURVEYOR AND THE PREVIOUSLY FILED LAND MAP OF SUCH REAL PROPERTY IN THE OFFICE OF THE COUNTY CLERK WHERE THE PROPERTY IS SITUATED. THE DUTY TO PROVIDE NOTICE OF SUCH DISCREPANCY SHALL ONLY APPLY WHERE THE PARCEL OF REAL PROPERTY SURVEYED IS FIVE ACRES OR LESS AND TWO PERCENT OR MORE OF THE PROPERTY IS AFFECTED BY A DISCREPANCY, OR WHERE THE PARCEL OF REAL PROPERTY SURVEYED IS MORE THAN FIVE ACRES AND TEN PERCENT OR MORE OF SUCH PROPERTY IS AFFECTED BY A DISCREPANCY. A FAILURE TO PROVIDE NOTICE OF SUCH DISCREPANCY SHALL SUBJECT THE SURVEYOR TO A PENALTY TO BE DETERMINED AND IMPOSED BY THE COMMISSIONER OF EDUCATION ON RECOMMENDATIONS FROM THE STATE BOARD FOR ENGINEERING AND LAND SURVEYING.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.