

674

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 2 of section 503 of the real property tax law,  
2     as added by chapter 472 of the laws of 1984, is amended to read as  
3     follows:  
4     2. The originals of tax maps approved under this section shall be  
5     filed in the office of the county director of real property tax  
6     services. With the cooperation and concurrence of the assessor, the  
7     county director shall make such changes from year to year upon such tax  
8     maps as may be necessary to maintain the maps in current condition  
9     INCLUDING THE DATE THE CHANGES WERE MADE AND THE NAME OF THE PERSON  
10    MAKING SUCH CHANGES; PROVIDED, HOWEVER, IF A SURVEY IS DONE ON A PARCEL,  
11    SUCH SURVEY SHALL BE COORDINATED WITH THE TAX MAP OF THE SAME PARCEL AND  
12    IF THERE IS A DISCREPANCY, ALL AFFECTED LANDOWNERS SHALL BE NOTIFIED BY  
13    THE LICENSED LAND SURVEYOR AS PROVIDED IN SECTION THREE HUNDRED THIRTY-  
14    FOUR-B OF THE REAL PROPERTY LAW. The expense of maintaining such tax  
15    maps in current condition shall be a county charge and shall be levied  
16    ad valorem upon all taxable property in the county. On such dates as are  
17    appropriate for use in connection with the preparation of assessment  
18    rolls, the county director shall furnish each city, town and village  
19    that assesses real property for purposes of taxation with a copy of the  
20    approved tax map or pertinent portion thereof in current condition. Such  
21    copy of the map shall be a public record and shall be filed in the  
22    office of the assessor of the city, town or village; provided, however,  
23    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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1 assessor, the map shall be filed in the office of the city, town or  
2 village clerk. The county director may file an additional copy of the  
3 tax map in the office of the county clerk and shall provide such addi-  
4 tional copies to such county or other government agencies as the legis-  
5 lative body of the county may direct.

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

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

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

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

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

40 S 4. This act shall take effect on the one hundred eightieth day after  
41 it shall have become a law. Effective immediately, the addition, amend-  
42 ment and/or repeal of any rule or regulation necessary for the implemen-  
43 tation of this act on its effective date are authorized and directed to  
44 be made and completed on or before such effective date.