

3853--A

Cal. No. 595

2009-2010 Regular Sessions

I N S E N A T E

April 2, 2009

Introduced by Sens. KRUEGER, HUNTLEY, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 subdivi-
11 sion, 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 TO AN OWNER OF A DWELLING UNIT OF A PROPERTY SITUATED
17 IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE OF A COPY OF ANY
18 APPLICATION OR STATEMENTS PERTAINING TO SUCH DWELLING UNIT, UPON REQUEST

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

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1 AND WITH PERSONALLY IDENTIFYING INFORMATION REDACTED. Nothing in this
2 subdivision shall be construed to prohibit the delivery of a certified
3 copy of any such application or statements to the United States of Amer-
4 ica or any department thereof, the state of New York or any department
5 thereof, or a city having a population of one million or more or any
6 department thereof, provided any such application or statements are
7 required for official business; nor to prohibit the inspection for offi-
8 cial business of any such application or statements by the tax commis-
9 sion of a city having a population of one million or more, or by the
10 corporation counsel or other legal representative of a city having a
11 population of one million or more, or by any person engaged or retained
12 by the department of finance on an independent contract basis; nor to
13 prohibit the publication of statistics so classified as to prevent the
14 [indentification] IDENTIFICATION of any particular application or state-
15 ments. The foregoing provisions of this subdivision prohibiting disclo-
16 sure of the contents of applications or statements shall not apply to
17 physical data relating to the property described therein.

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

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

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