

# STATE OF NEW YORK

2298

2019-2020 Regular Sessions

## IN SENATE

January 23, 2019

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the real property tax law, in relation to creating the Mom and Pop Rent Increase Exemption

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "Mom and Pop Rent Increase Exemption".

§ 2. Article 4 of the real property tax law is amended by adding a new title 6 to read as follows:

### TITLE 6

#### TAX ABATEMENT FOR LIMITING RENT INCREASES ON SMALL BUSINESSES

##### IN A CITY OF ONE MILLION OR MORE PERSONS

#### Section 499-aaaaa. Definitions.

499-bbbbbb. Real property tax abatement.

499-cccc. Eligibility requirements.

499-ddddd. Application for certificate of abatement.

499-eeee. Enforcement and administration.

499-fffff. Reporting requirements; revocation of abatements.

499-ggggg. Tax lien; interest and penalty.

499-hhhhh. Confidentiality.

§ 499-aaaaa. Definitions. When used in this title, the following terms shall mean or include:

1. "Abatement base." The lesser of (i) two dollars and fifty cents of the tax liability per square foot or (ii) fifty per centum of the tax liability per square foot.

2. "Abatement zone." Any area of a city having a population of one million or more. Any tax lot that is partly located inside an abatement zone shall be deemed to be entirely located inside such zone.

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

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1 3. "Aggregate floor area." The sum of the gross areas of the several  
2 floors of a building, measured from the exterior faces of exterior walls  
3 or from the center lines of walls separating two buildings.

4 4. "Applicant." The landlord and the tenant.

5 5. "Benefit period." The period commencing with the first day of the  
6 month immediately following the rent commencement date and terminating  
7 no later than one hundred twenty months thereafter.

8 6. "Billable assessed value." The lesser of the taxable transitional  
9 or the taxable actual assessed value of the eligible building and the  
10 land on which the eligible building is located for the fiscal year in  
11 which the benefit period commences.

12 7. "Commercial activities." The buying, selling or otherwise providing  
13 of goods or services by a small business.

14 8. "Department of finance." The department of finance of any city  
15 having a population of one million or more.

16 9. "Eligible building." With respect to the abatement zone defined in  
17 subdivision two of this section, a non-residential or mixed-use building  
18 which shall not include any building owned by a governmental agency.  
19 Each condominium unit in a building that meets the requirements of this  
20 subdivision shall be considered a separate eligible building.

21 10. "Eligibility period." The period commencing April first, two thou-  
22 sand nineteen and terminating March thirty-first, two thousand twenty-  
23 nine.

24 11. "Eligible premises." With respect to the abatement zone defined in  
25 subdivision two of this section, premises located in an eligible build-  
26 ing that (a) are occupied or used for commercial activities and (b) are  
27 occupied or used by a tenant under a lease that meets the eligibility  
28 requirements of section four hundred ninety-nine-cccc of this title.

29 12. "Fiscal year." The fiscal year of any city having a population of  
30 one million or more.

31 13. "Governmental agency." The United States of America or any agency  
32 or instrumentality thereof, the state of New York, the city of New York,  
33 any public corporation (including a body corporate and politic created  
34 pursuant to agreement or compact between the state of New York and any  
35 other state), public benefit corporation, public authority or other  
36 political subdivision of the state.

37 14. "Landlord." Any person who (a) controls all non-residential  
38 portions of an eligible building, including, without limitation, the  
39 record owner, the lessee under a ground lease, any mortgagee in  
40 possession or any receiver, and (b) who grants the right to use or occu-  
41 py eligible premises to any tenant, provided that landlord shall not  
42 include any lessee who at any time during the lease term occupied or  
43 used or occupies or uses any part of the non-residential portions of  
44 such eligible building, other than premises occupied or used by such  
45 lessee to provide rental or management services to such building.

46 15. "Lease commencement date." The date set forth in the lease on  
47 which the term of the lease commences.

48 16. "Mixed-use building." A building used for both residential and  
49 commercial activities, provided that more than twenty-five per centum of  
50 the aggregate floor area of such building is used or held out for use as  
51 commercial, community facility or accessory use space.

52 17. "Person." An individual, corporation, limited liability company,  
53 partnership, association, agency, trust, estate, foreign or domestic  
54 government or subdivision thereof, or other entity.

55 18. "Renewal tenant." A person who (a) occupies premises in an eligi-  
56 ble building under a lease which expires during the eligibility period

1 and (b) executes a lease for the continued occupancy of all or part of  
2 such premises or all or part of such premises and additional premises in  
3 such eligible building, provided such premises are eligible premises and  
4 such lease meets the eligibility requirements of section four hundred  
5 ninety-nine-cccc of this title.

6 19. "Rent commencement date." The date set forth in the lease on which  
7 the obligation to pay basic fixed rent shall commence.

8 20. "Small business." A business engaged in commercial activities that  
9 employs fifty or fewer persons.

10 21. "Subtenant." A person whose right to occupy and use the eligible  
11 premises is not derived from a lease with the landlord.

12 22. "Tax commission." The tax commission in any city having a popu-  
13 lation of one million or more.

14 23. "Tax liability." The product obtained by multiplying the billable  
15 assessed value for the fiscal year in which the benefit period commences  
16 by the tax rate applicable to the eligible building for such fiscal year  
17 as set by the local legislative body of any city having a population of  
18 one million or more.

19 24. "Tax liability per square foot." The tax liability divided by the  
20 total number of square feet in the eligible building, as listed on the  
21 records of the department of finance.

22 25. "Tenant." A person, including any successors in interest, who  
23 executes a lease with the landlord for the right to occupy or use the  
24 eligible premises and who occupies or uses the eligible premises pursu-  
25 ant to such lease. Tenant shall not include any subtenant. When used in  
26 this title, "tenant" includes "renewal tenant."

27 26. "Tenant's percentage share." The percentage of the eligible  
28 building's aggregate floor area allocated to the eligible premises,  
29 which shall be presumed to be such percentage as set forth in the lease  
30 for the eligible premises.

31 § 499-bbbbb. Real property tax abatement. 1. Within a city having a  
32 population of one million or more, eligible buildings containing eligi-  
33 ble premises shall receive an abatement of real property taxes during  
34 the benefit period as follows:

35 (a) for each of the first five years of the benefit period, the abate-  
36 ment shall be equal to the product obtained by (i) multiplying the  
37 tenant's percentage share by the number of square feet in the eligible  
38 building, as listed on the records of the department of finance and (ii)  
39 multiplying the product obtained in subparagraph (i) of this paragraph  
40 by the abatement base;

41 (b) for the sixth, seventh, and eighth year of the benefit period, the  
42 abatement shall be equal to two-thirds of the abatement in the first  
43 year of the benefit period; and

44 (c) for the ninth and tenth year of the benefit period, the abatement  
45 shall be equal to one-third of the abatement in the first year of the  
46 benefit period.

47 2. If, as a result of application to the tax commission or a court  
48 order or action by the department of finance, the billable assessed  
49 value is reduced, the department of finance shall recalculate the abate-  
50 ment utilizing such reduced billable assessed value. The amount equal to  
51 the difference between the abatement originally granted and the abate-  
52 ment as so recalculated shall be deducted from any refund otherwise  
53 payable or remission otherwise due as a result of such reduction in  
54 billable assessed value, and any balance of such amount remaining unpaid  
55 after making any such deduction shall be paid to the department of  
56 finance within thirty days from the date of mailing by the department of

1 finance of a notice of the amount payable. Such amount payable shall  
2 constitute a tax lien on the eligible building as of the date of such  
3 notice and, if not paid within such thirty-day period, penalty and  
4 interest at the rate applicable to delinquent taxes on such eligible  
5 building shall be charged and collected on such amount from the date of  
6 such notice to the date of payment.

7 3. In no event shall the abatement for the eligible premises granted  
8 pursuant to this title exceed the tax liability allocable to the eligi-  
9 ble premises.

10 4. Notwithstanding the provisions of any lease for occupancy of non-  
11 eligible premises in an eligible building or for occupancy of eligible  
12 premises for which no certificate of abatement has been issued pursuant  
13 to this title, a lessee of non-eligible premises or of eligible premises  
14 for which no certificate of abatement has been issued pursuant to this  
15 title shall not be entitled to receive directly or indirectly a  
16 reduction in either the real property taxes or any rent (including addi-  
17 tional rent) payable pursuant to such lease where such reduction would  
18 result from an abatement of real property taxes granted pursuant to this  
19 title. A landlord of an eligible building shall not allocate, credit,  
20 assign or disburse any portion of an abatement granted pursuant to this  
21 title to a lessee of non-eligible premises or of eligible premises for  
22 which no certificate of abatement has been issued pursuant to this  
23 title. A landlord shall not be required to reduce the real property  
24 taxes or any rent (including additional rent) payable by renewal tenants  
25 by an amount that exceeds the full amount of the abatement granted  
26 pursuant to this title, but a landlord shall be required to reduce the  
27 real property taxes or any rent (including additional rent) payable by  
28 renewal tenants by an amount that, in the aggregate, equals the full  
29 amount of the abatement granted pursuant to this title. Such reduction  
30 shall be allocated in accordance with the abatement granted for the  
31 eligible premises occupied by each such tenant.

32 5. A tenant who occupies or uses eligible premises for which a certif-  
33 icate of abatement is issued pursuant to this title shall not be eligi-  
34 ble to receive a second certificate of abatement for the same eligible  
35 premises. A tenant who occupies or uses eligible premises for which a  
36 certificate of abatement is issued pursuant to this title and who, upon  
37 the expiration of the lease for such eligible premises, relocates to  
38 otherwise eligible premises, shall not be eligible to receive a certif-  
39 icate of abatement for such otherwise eligible premises, except to the  
40 extent that the square footage of such otherwise eligible premises  
41 exceeds the square footage of all eligible premises previously occupied  
42 or used by such tenant for which such tenant held a certificate of  
43 abatement. If the square footage of such otherwise eligible premises  
44 exceeds the square footage of all such eligible premises previously  
45 occupied or used by such tenant and if there is any variation in the tax  
46 liability per square foot of such otherwise eligible premises, then, for  
47 purposes of determining which square footage in such otherwise eligible  
48 premises is entitled to an abatement pursuant to this title, square  
49 footage with the greatest tax liability per square foot, in an amount  
50 equal to the square footage of all such eligible premises previously  
51 occupied or used by such tenant, shall first be excluded.

52 § 499-cccc. Eligibility requirements. 1. No abatement shall be grant-  
53 ed pursuant to this title unless:

54 (a) the landlord enters into a ten year lease for eligible premises  
55 with a tenant and (b) such landlord includes within such lease with a

1 tenant a renewal clause that limits a rent increase to no more than  
2 three percent annually.

3 2. No abatement shall be granted pursuant to this title if an appli-  
4 cant shall fail to meet any of the requirements of this title within  
5 sixty days of the rent commencement date.

6 3. For purposes of this title, the expiration date of a lease shall be  
7 determined by the expiration date set forth in such lease, without  
8 giving effect to any rights of the landlord or the tenant to terminate  
9 such lease prior to the expiration date set forth therein.

10 4. The lease for the eligible premises shall contain the following  
11 provisions:

12 (a) a statement of the tenant's percentage share;

13 (b) a statement certifying the percentage of eligible premises occu-  
14 pied or used for commercial activities, as defined in subdivision seven  
15 of section four hundred ninety-nine-aaaaa of this title; and

16 (c) a statement informing the tenant in at least twelve-point type  
17 that:

18 (1) an application for abatement of real property taxes pursuant to  
19 this title will be made for the premises;

20 (2) the rent, including amounts payable by the tenant for real proper-  
21 ty taxes, will accurately reflect any abatement of real property taxes  
22 granted pursuant to this title for the premises;

23 (3) a renewal of the lease will not increase rent by more than three  
24 percent annually pursuant to the lease agreement;

25 (4) all abatements granted with respect to a building pursuant to this  
26 title will be revoked if, during the benefit period, real estate taxes  
27 or water or sewer charges or other lienable charges are unpaid for more  
28 than one year, unless such delinquent amounts are paid as provided in  
29 subdivision four of section four hundred ninety-nine-fffff of this  
30 title; and

31 (5) all benefits granted with respect to eligible premises will be  
32 reduced if, during the benefit period, the aggregate floor area of such  
33 eligible premises occupied or used for commercial activities, as defined  
34 in subdivision seven of section four hundred ninety-nine-aaaaa of this  
35 title, is reduced.

36 5. No abatement shall be granted pursuant to this title if:

37 (a) the lease for the eligible premises provides that during the  
38 initial lease term required by subdivision one of this section either  
39 the landlord or the tenant may terminate such lease prior to the expira-  
40 tion date of such required initial lease term; provided that such lease  
41 may provide that either the landlord or the tenant may terminate such  
42 lease if (1) the other party is in default of any of such party's obli-  
43 gations under the lease, (2) the eligible premises are damaged or  
44 destroyed by fire or other casualty, (3) the eligible premises are  
45 rendered unusable for any reason not attributable to any act or failure  
46 to act of either tenant or landlord, or (4) the eligible premises are  
47 acquired by eminent domain; and

48 (b) there are real property taxes, water or sewer charges or other  
49 lienable charges currently due and owing on the eligible building which  
50 is the subject of an application for abatement pursuant to this title,  
51 unless such real property taxes or charges are currently being paid in  
52 timely installments pursuant to a written agreement with the department  
53 of finance or other appropriate agency.

54 6. No abatement shall be granted pursuant to this title unless the  
55 applicant shall file, together with the application, an affidavit  
56 setting forth the following information:



1 (a) a statement that within the seven years immediately preceding the  
2 date of application for a certificate of abatement, neither the appli-  
3 cant nor any person owning a substantial interest in the eligible build-  
4 ing as defined in paragraph (c) of this subdivision, nor any officer,  
5 director or general partner of the applicant or such person was finally  
6 adjudicated by a court of competent jurisdiction to have violated  
7 section two hundred thirty-five of the real property law or any section  
8 of article one hundred fifty of the penal law or any similar arson law  
9 of another jurisdiction with respect to any building, or was an officer,  
10 director or general partner of a person at the time such person was  
11 finally adjudicated to have violated such law; and

12 (b) a statement setting forth any pending charges alleging violation  
13 of section two hundred thirty-five of the real property law or any  
14 section of article one hundred fifty of the penal law or any similar  
15 arson law of another jurisdiction with respect to any building by the  
16 applicant or any person owning a substantial interest in the eligible  
17 building as defined in paragraph (c) of this subdivision, or any offi-  
18 cer, director or general partner of the applicant or such person, or any  
19 person for whom the applicant or person owning a substantial interest in  
20 the eligible building is an officer, director or general partner.

21 (c) for purposes of this subdivision and subdivision seven of section  
22 four hundred ninety-nine-fffff of this title, "substantial interest"  
23 shall mean ownership and control of an interest of ten per centum or  
24 more in the eligible building or in any person owning the eligible  
25 building.

26 § 499-ddddd. Application for certificate of abatement. 1. Application  
27 for a certificate of abatement may be made on or after April first, two  
28 thousand nineteen and until sixty days after the end of the eligibility  
29 period. Applications shall be filed with the department of finance. No  
30 application may be filed prior to the date on which the lease for the  
31 eligible premises is executed by the landlord and tenant.

32 2. No abatement pursuant to this title shall be granted unless the  
33 applicant files an application for a certificate of abatement within  
34 sixty days following the lease commencement date.

35 3. In addition to any other information required by the department of  
36 finance, the application for a certificate of abatement shall include an  
37 abstract of the lease for the eligible premises for which an abatement  
38 is being sought, which abstract is signed by the landlord and the  
39 tenant. Such abstract shall include the tenant's percentage share, the  
40 lease commencement date, the rent commencement date, the expiration date  
41 for such lease and a description of the lease renewal clause, including  
42 the annual rent increase percentage. Such application shall also include  
43 (i) a statement of the number of persons who will, on the rent commence-  
44 ment date, be employed in the eligible premises, (ii) a statement of the  
45 location of all commercial space in the city of New York occupied by the  
46 tenant prior to the execution of the lease for the eligible premises,  
47 (iii) the commencement and expiration dates of all leases for eligible  
48 premises, and (iv) the aggregate floor area of the eligible building.  
49 Such application shall also state that the applicant agrees to comply  
50 with and be subject to the rules issued from time to time by the depart-  
51 ment of finance.

52 4. Within one hundred eighty days following the lease commencement  
53 date, the applicant shall provide, in addition to any other information  
54 required by the department of finance, evidence acceptable to the  
55 department of finance of the number of employees in the eligible prem-  
56 ises. The department of finance shall issue a certificate of abatement

1 upon determining that the applicant has submitted proof acceptable to  
2 the department of finance that the applicant has met the requirements  
3 set forth in this title.

4 5. The burden of proof shall be on the applicant to show by clear and  
5 convincing evidence that the requirements for granting a certificate of  
6 abatement have been satisfied. The department of finance shall have the  
7 authority to require that statements in connection with such application  
8 be made under oath.

9 6. The department of finance may provide by rule for reasonable admin-  
10 istrative charges or fees necessary to defray expenses in administering  
11 the abatement program provided by this title.

12 § 499-eeeeee. Enforcement and administration. The department of finance  
13 shall have, in addition to any other functions, powers and duties which  
14 have been or may be conferred on it by law, the following functions,  
15 powers and duties:

16 1. To receive and review applications for certificates of abatement  
17 under this title and issue such certificates where authorized pursuant  
18 to this title.

19 2. To receive all certificates of continuing eligibility required by  
20 section four hundred ninety-nine-fffff of this title.

21 3. To collect all real property taxes, with interest and penalty, due  
22 and owing as a result of reduction, termination or revocation of any  
23 abatement granted pursuant to this title.

24 4. To make and promulgate rules to carry out the purposes of this  
25 title.

26 § 499-fffff. Reporting requirements; revocation of abatements. 1. For  
27 the duration of the applicant's benefit period, the applicant shall file  
28 annually with the department of finance, on or before July first of each  
29 year, a certificate of continuing eligibility confirming that the eligi-  
30 ble premises are occupied by the tenant who originally executed the  
31 lease and that the eligible premises are being used for the purposes  
32 described in the application. Such certificate of continuing eligibil-  
33 ity shall be on a form prescribed by the department of finance and shall  
34 contain such additional information as the department of finance shall  
35 require. The department of finance shall have the authority to terminate  
36 abatements granted pursuant to this title upon failure of an applicant  
37 to file such certificate by such July first date. The burden of proof  
38 shall be on the applicant to establish continuing eligibility for bene-  
39 fits and the department of finance shall have the authority to require  
40 that statements made in such certificate shall be made under oath.

41 2. The department of finance shall revoke any abatement granted pursu-  
42 ant to this title when the tenant who originally executed the lease is  
43 no longer occupying the eligible premises. Such revocation shall be  
44 retroactive to the date that such tenant vacated the eligible premises  
45 and the department of finance shall require the landlord to pay, with  
46 interest, any taxes which become payable as a result of such revocation.  
47 The landlord shall notify the department of finance within thirty days  
48 following the date on which such tenant vacated the eligible premises  
49 and, for failure to comply with this notification requirement, shall be  
50 liable for penalty calculated for the same period as interest is calcu-  
51 lated pursuant to the preceding sentence.

52 3. If any portion of the premises for which an abatement has been  
53 granted pursuant to this title ceases to be occupied or used as eligible  
54 premises or is occupied by a subtenant, the department of finance shall  
55 reduce the abatement granted pursuant to this title by an amount equal  
56 to the percentage of such eligible premises which has ceased to be occu-

1 pied or used as eligible premises or is occupied by a subtenant. Such  
2 reduction shall be retroactive to the date that such premises ceased to  
3 be occupied or used as eligible premises or was occupied by a subtenant,  
4 and the department of finance shall require the landlord to pay, with  
5 interest, any taxes which become payable as a result of such reduction.  
6 The landlord shall notify the department of finance within thirty days  
7 following the date on which the premises ceased to be occupied or used  
8 as eligible premises or was occupied by a subtenant and, for failure to  
9 comply with this notification requirement, shall be liable for penalty  
10 calculated for the same period as interest is calculated pursuant to the  
11 preceding sentence.

12 4. If, during the benefit period, any real property tax or water or  
13 sewer charge or other lienable charge due and payable with respect to an  
14 eligible building shall remain unpaid for at least one year following  
15 the date upon which such tax or charge became due and payable, all  
16 abatements granted pursuant to this title with respect to such building  
17 shall be revoked, unless within thirty days from the mailing of a notice  
18 of revocation by the department of finance satisfactory proof is  
19 presented to the department of finance that any and all delinquent taxes  
20 and charges owing with respect to such building as of the date of such  
21 notice have been paid in full or are currently being paid in timely  
22 installments pursuant to a written agreement with the department of  
23 finance or other appropriate agency. Any revocation pursuant to this  
24 subdivision shall be effective with respect to real property taxes which  
25 become due and payable following the date of such revocation.

26 5. The department of finance may deny, reduce, suspend, terminate or  
27 revoke any abatement granted pursuant to this title whenever:

28 (a) the landlord or the tenant receiving abatement pursuant to this  
29 title fails to comply with the requirements of this title or the rules  
30 promulgated hereunder; or

31 (b) an application, certificate, report or other document submitted by  
32 the applicant contains a false or misleading statement as to a material  
33 fact or omits to state any material fact necessary in order to make the  
34 statement therein not false or misleading, and may declare any applicant  
35 who makes such false or misleading statement or omission to be ineligi-  
36 ble for future abatement pursuant to this title for the same or other  
37 property. In addition, the department of finance shall require the  
38 applicant to pay, with penalty and interest, any abatement received  
39 pursuant to this title as a result of such false or misleading statement  
40 or omission of a material fact.

41 6. Notwithstanding any other provision of this title, the department  
42 of finance shall deny, terminate or revoke any abatement applied for or  
43 granted pursuant to this title upon a determination that the lease  
44 between the landlord and the tenant does not constitute a bona fide  
45 arm's length lease. In making such determination, the department of  
46 finance may consider, among other factors, the relationship, if any,  
47 between the landlord and the tenant and whether the business terms of  
48 such lease are consistent with the business terms generally found in  
49 leases for comparable space.

50 7. (a) If any person described in the statement required by paragraph  
51 (b) of subdivision six of section four hundred ninety-nine-cccc of this  
52 title or paragraph (b) of this subdivision is finally adjudicated by a  
53 court of competent jurisdiction to be guilty of any charge listed in  
54 such statement, the department of finance shall revoke the abatement  
55 granted pursuant to this title and shall require the payment, with  
56 interest, of any abatement received pursuant to this title.



(b) The applicant shall, on the certificate of continuing eligibility, state whether any charges alleging violation by the applicant or any person owning a substantial interest in the eligible building, or any officer, director or general partner of the applicant or person owning a substantial interest in the eligible building, or any person for whom the applicant or person owning a substantial interest in the eligible building is an officer, director or general partner, of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another jurisdiction, are pending. For purposes of this paragraph, "substantial interest" shall have the same meaning as set forth in paragraph (c) of subdivision six of section four hundred ninety-nine-cccc of this title.

§ 499-gggggg. Tax lien; interest and penalty. All taxes, with interest, required to be paid retroactively pursuant to this title shall constitute a tax lien as of the date it is determined such taxes and interest are owed. All interest shall be calculated from the date the taxes would have been due but for the abatement granted pursuant to this title at the applicable rate or rates of interest imposed by such city generally for non-payment of real property tax with respect to the eligible building for the period in question. When a provision of this title requires the payment of a penalty in addition to interest, the amount of such penalty shall be equal to the amount of interest that would have been payable pursuant to such provision had such interest been calculated at the rate of three percent per annum.

§ 499-hhhhhh. Confidentiality. 1. Except in accordance with a proper judicial order or as otherwise provided by law, it shall be unlawful for the commissioner of finance, any officer or employee of the department of finance, the president or a commissioner or employee of the tax commission, any person engaged or retained by such department or such commission on an independent contract basis, or any person who, pursuant to this title, is permitted to inspect any information submitted by an applicant to the department of finance pursuant to this title or to whom a copy, an abstract or a portion of any such information is furnished, to divulge or make known in any manner any such information to any person not authorized pursuant to this title to inspect such information. The officers charged with custody of such information shall not be required to produce any of it or evidence of anything contained in it in any action or proceeding in any court except on behalf of the commissioner of finance in an action or proceeding under the provisions of this title, or on behalf of any party to any action or proceeding under the provisions of this title when such information or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence so much of such information or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the inspection by the legal representatives of the department of finance or the tax commission of such information submitted by any applicant who shall bring an action to correct an assessment. Nothing herein shall be construed to prohibit the delivery to an applicant or the applicant's duly authorized representative of a certified copy of any information submitted by an applicant to the department of finance pursuant to this title; or to any agency or any department of any city having a population of one million or more provided the same is requested for official business; nor to prohibit the inspection for official business of such information by the corporation counsel or other legal representatives of a city having a

1 population of one million or more or by the district attorney of any  
2 county within such city; nor to prohibit the publication of statistics  
3 so classified as to prevent the identification of such information or  
4 particular items thereof. Information submitted by an applicant to the  
5 department of finance pursuant to this title shall not be subject to  
6 disclosure pursuant to article six of the public officers law.

7 2. Any violation of the provisions of subdivision one of this section  
8 shall be punishable by a fine not exceeding one thousand dollars or by  
9 imprisonment not exceeding one year, or both, at the discretion of the  
10 court, and if the offender be an officer or employee of the department  
11 of finance or of the tax commission, the offender shall be dismissed  
12 from office.

13 § 3. This act shall take effect immediately.