

# STATE OF NEW YORK

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4338--B

2021-2022 Regular Sessions

## IN SENATE

February 3, 2021

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Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to clarifying that certain documents attached to real estate tax returns are not considered tax returns for certain secrecy purposes

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

1 Section 1. Subdivision (a) of section 1409 of the tax law, as amended  
2 by chapter 297 of the laws of 2019, is amended to read as follows:

3 (a) (1) A joint return shall be filed by both the grantor and the  
4 grantee for each conveyance whether or not a tax is due thereon other  
5 than a conveyance of an easement or license to a public utility as  
6 defined in subdivision two of section one hundred eighty-six-a of this  
7 chapter or to a public utility which is a provider of telecommunication  
8 services as defined in subdivision one of section one hundred eighty-  
9 six-e of this chapter, where the consideration is two dollars or less  
10 and is clearly stated as actual consideration in the instrument of  
11 conveyance.

12 (2) When the grantor or grantee of a deed for a building used as resi-  
13 dential real property containing [~~one to four~~] up to four family  
14 dwelling units is a limited liability company, the joint return shall  
15 not be accepted for filing unless it is accompanied by a document which  
16 identifies the names and business addresses of all members, managers,  
17 and any other authorized persons, if any, of such limited liability  
18 company and the names and business addresses or, if none, the business  
19 addresses of all shareholders, directors, officers, members, managers  
20 and partners of any limited liability company or other business entity  
21 that are to be the members, managers or authorized persons, if any, of

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

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1 such limited liability company. The identification of such names and  
2 addresses shall not be deemed an unwarranted invasion of personal priva-  
3 cy pursuant to article six of the public officers law. If any such  
4 member, manager or authorized person of the limited liability company is  
5 itself a limited liability company or other business entity other than a  
6 publicly traded entity, a REIT, a UPREIT, or a mutual fund, the names  
7 and addresses of the shareholders, directors, officers, members, manag-  
8 ers and partners of the limited liability company or other business  
9 entity shall also be disclosed until full disclosure of ultimate owner-  
10 ship by natural persons is achieved. For purposes of this subdivision,  
11 the terms "members", "managers", "authorized person", "limited liability  
12 company" and "other business entity" shall have the same meaning as  
13 those terms are defined in section one hundred two of the limited  
14 liability company law.

15 (3) The return shall be filed with the recording officer before the  
16 instrument effecting the conveyance may be recorded. However, if the tax  
17 is paid to the commissioner pursuant to section fourteen hundred ten of  
18 this article, the return shall be filed with such commissioner at the  
19 time the tax is paid. In that instance, a receipt evidencing the filing  
20 of the return and the payment of tax shall be filed with the recording  
21 officer before the instrument effecting the conveyance may be recorded.  
22 The recording officer shall handle such receipt in the same manner as a  
23 return filed with the recording officer.

24 § 2. Subdivision (h) of section 1418 of the tax law, as added by  
25 section 7 of part X of chapter 56 of the laws of 2010 and as further  
26 amended by subdivision (c) of section 1 of part W of chapter 56 of the  
27 laws of 2010, is amended to read as follows:

28 (h) Notwithstanding the provisions of subdivision (a) of this section,  
29 the commissioner may furnish information relating to real property  
30 transfers obtained or derived from returns filed pursuant to this arti-  
31 cle in relation to the real estate transfer tax, to the extent that such  
32 information is also required to be reported to the commissioner by  
33 section three hundred thirty-three of the real property law and section  
34 five hundred seventy-four of the real property tax law and the rules  
35 adopted thereunder, provided such information was collected through a  
36 combined process established pursuant to an agreement entered into with  
37 the commissioner pursuant to paragraph viii of subdivision one-e of  
38 section three hundred thirty-three of the real property law. The commis-  
39 sioner may redisclose such information to the extent authorized by  
40 section five hundred seventy-four of the real property tax law. The  
41 commissioner may also disclose any information reported pursuant to  
42 paragraph two of subdivision (a) of section fourteen hundred nine of  
43 this article.

44 § 3. This act shall take effect immediately.