

3396

2013-2014 Regular Sessions

I N   S E N A T E

February 1, 2013

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

AN ACT to amend the real property actions and proceedings law, in relation to abandoned dwellings in any city with a population of one million or more

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

1     Section 1. The article heading of article 19-a of the real property  
2 actions and proceedings law, as amended by chapter 573 of the laws of  
3 1982, is amended to read as follows:

4                    SPECIAL [PROCEEDING TO CONVEY TITLE TO]  
5                    PROCEEDINGS REGARDING

6                    ABANDONED [DWELLING TO CITY, TOWN OR VILLAGE] DWELLINGS

7     S 2. Section 1970 of the real property actions and proceedings law, as  
8 amended by chapter 593 of the laws of 1983, is amended to read as  
9 follows:

10    S 1970. Applicability. The department or agency of a city, town or  
11 village, responsible for the enforcement of the multiple dwelling law,  
12 the multiple residence law, or any other law, code or ordinance govern-  
13 ing the occupancy and maintenance of residential property (hereinafter  
14 in this article referred to as "the department") may institute a  
15 proceeding in accordance with the provisions of this article for a judg-  
16 ment vesting in the city, town or village title to a dwelling which has  
17 been abandoned by the owner. [This article shall not apply to a one-fa-  
18 mily or two-family dwelling occupied by the owner thereof.]

19    S 3. Subdivision 2 of section 1971 of the real property actions and  
20 proceedings law, as amended by chapter 496 of the laws of 1983, is  
21 amended to read as follows:

22    2. When the department finds that a dwelling is abandoned within the  
23 meaning of this article, it shall make and file among its records a  
24 certification containing such finding and the facts on which it is

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

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1 based. Further, it shall immediately affix to the dwelling in a promi-  
2 nent and conspicuous location, a notice that the building has been found  
3 to be an abandoned building and that it is a crime to take, remove or  
4 otherwise damage any fixture or part of the building structure.  
5 FURTHER, IT SHALL IMMEDIATELY MAIL A COPY OF THE CERTIFICATION WITH SUCH  
6 FACTS AND FINDINGS BY REGISTERED OR CERTIFIED MAIL TO THE LAST KNOWN  
7 OWNER AT SUCH OWNER'S LAST KNOWN ADDRESS.

8 S 4. Subdivisions 1 and 2 of section 1972 of the real property actions  
9 and proceedings law, as amended by chapter 573 of the laws of 1982, are  
10 amended and a new subdivision 5 is added to read as follows:

11 1. If the department proposes to institute proceedings pursuant to  
12 this article, it [may] SHALL file a copy of the certification and a  
13 notice of intention to commence such proceedings in the office of the  
14 clerk of the county in which the dwelling is located. Such notice shall  
15 contain the names of all persons required to be served pursuant to this  
16 section and shall otherwise meet the requirements of subdivision (b) of  
17 [section] RULE six thousand five hundred eleven of the civil practice  
18 law and rules. The notice shall be indexed by the clerk in the manner  
19 prescribed by subdivision (c) of [section] RULE sixty-five hundred elev-  
20 en of the civil practice law and rules for a notice of pendency of  
21 action and shall have the same effect as such notice. It shall expire  
22 one year after filing, if no proceeding pursuant to this article has  
23 been commenced. Except as otherwise provided herein, all of the  
24 provisions of article sixty-five of the civil practice law and rules  
25 shall be applicable to the notice filed pursuant to this article.

26 2. The department shall serve upon the owner of the dwelling, a copy  
27 of the certification. Service shall be made personally or by posting in  
28 a conspicuous place upon the dwelling and mailing a copy by registered  
29 or certified mail to the last known owner at such owner's last known  
30 address. In the case of a dwelling subject to the provisions of section  
31 three hundred twenty-five of the multiple dwelling law, such mailing may  
32 be made to the last registered owner at his last registered address. The  
33 copy of the certification shall be accompanied by a notice stating that  
34 proceedings pursuant to this [title] ARTICLE may be instituted unless  
35 the owner notifies the department that the property has not been aban-  
36 doned. Such notification shall be made by a showing that the conditions  
37 upon which the findings in such certification are based do not exist or  
38 have been corrected. Such showing shall be made not later than thirty  
39 days after the date of such notice.

40 5. THIS SECTION SHALL NOT APPLY IN ANY CITY HAVING A POPULATION OF ONE  
41 MILLION OR MORE.

42 S 5. Section 1973 of the real property actions and proceedings law is  
43 amended by adding a new subdivision 6 to read as follows:

44 6. THIS SECTION SHALL NOT APPLY IN ANY CITY HAVING A POPULATION OF ONE  
45 MILLION OR MORE.

46 S 6. Section 1974 of the real property actions and proceedings law is  
47 amended by adding a new subdivision 6 to read as follows:

48 6. THIS SECTION SHALL NOT APPLY IN ANY CITY HAVING A POPULATION OF ONE  
49 MILLION OR MORE.

50 S 7. The real property actions and proceedings law is amended by  
51 adding a new section 1975 to read as follows:

52 S 1975. SPECIAL PROCEEDING FOR ABANDONED DWELLINGS IN ANY CITY WITH A  
53 POPULATION OF ONE MILLION OR MORE. 1. IN ANY CITY WITH A POPULATION OF  
54 ONE MILLION OR MORE, ONCE A DEPARTMENT FINDS, PURSUANT TO SECTION NINE-  
55 TEEN HUNDRED SEVENTY-ONE OF THIS ARTICLE, THAT A DWELLING IS ABANDONED,  
56 AND HAS NOTIFIED THE OWNER THEREOF, SUCH OWNER SHALL HAVE THIRTY DAYS TO

1 SEAL SUCH DWELLING OR CORRECT THE FACTS UPON WHICH THE ABANDONMENT  
2 CERTIFICATION IS BASED.

3 2. IF, AT THE CONCLUSION OF THIRTY DAYS, SUCH OWNER HAS NOT SEALED  
4 SUCH DWELLING OR CORRECTED THE FACTS UPON WHICH THE ABANDONMENT CERTIF-  
5 ICATION IS BASED, THE DEPARTMENT SHALL:

6 (A) SEAL SUCH DWELLING WITHIN SIXTY DAYS; AND

7 (B) INITIATE A PROCEEDING TO PLACE A LIEN ON THE PROPERTY IN AN AMOUNT  
8 TO RECOVER THE COSTS INCURRED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVI-  
9 SION.

10 S 8. This act shall take effect on the one hundred twentieth day after  
11 it shall have become a law; provided, however, that effective immediate-  
12 ly, the addition, amendment and/or repeal of any rule or regulation  
13 necessary for the implementation of this act on its effective date are  
14 authorized and directed to be made and completed on or before such  
15 effective date.