

5081

2015-2016 Regular Sessions

I N   S E N A T E

April 30, 2015

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Introduced by Sen. YOUNG -- (at request of the NYC H.P.D.) -- read twice  
and ordered printed, and when printed to be committed to the Committee  
on Housing, Construction and Community Development

AN ACT to amend chapter 375 of the laws of 1999, amending the real prop-  
erty actions and proceedings law relating to new owners of buildings  
for which administrators have been appointed pursuant to article 7-A  
of such law, in relation to the effectiveness thereof; and to amend  
the real property actions and proceedings law, in relation to the  
costs of managing such buildings

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

1     Section 1. Section 2 of chapter 375 of the laws of 1999 amending the  
2     real property actions and proceedings law relating to new owners of  
3     buildings for which administrators have been appointed pursuant to arti-  
4     cle 7-A of such law, as amended by chapter 87 of the laws of 2012, is  
5     amended to read as follows:  
6     S 2. This act shall take effect immediately and shall remain in effect  
7     until June 30, [2015] 2018, when upon such date the provisions of this  
8     act shall expire and be deemed repealed.  
9     S 2. The opening paragraph of subdivision 1 of section 778 of the real  
10    property actions and proceedings law, as amended by chapter 455 of the  
11    laws of 2013, is amended to read as follows:  
12    The court is authorized and empowered, in implementation of a judgment  
13    rendered pursuant to section seven hundred seventy-six or seven hundred  
14    seventy-seven of this article, to appoint a person other than the owner,  
15    a mortgagee or lienor, to receive and administer the rent moneys or  
16    security deposited with such owner, mortgagee or lienor, subject to the  
17    court's direction. The court may appoint the commissioner of the depart-  
18    ment of the city of New York charged with enforcement of the housing  
19    maintenance code of such city or the commissioner's designee as such  
20    administrator, provided that the commissioner or the commissioner's

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

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1 designee shall consent, in writing, to such appointment. Any administra-  
2 tor is authorized and empowered in accordance with the direction of the  
3 court, to order the necessary materials, labor and services to remove or  
4 remedy the conditions specified in the judgment, and to make disburse-  
5 ments in payment thereof; and to demand, collect and receive the rents  
6 from the tenants; and to institute all necessary legal proceedings  
7 including, but not limited to, summary proceedings for the removal of  
8 any tenant or tenants; and to rent or lease for terms not exceeding  
9 three years any part of said premises, however, the court may direct the  
10 administrator to rent or lease commercial parts of said premises for  
11 terms that the court may approve. In addition, such administrator is  
12 authorized and empowered in accordance with the direction of the court  
13 to accept and repay such moneys as may be received from the department  
14 charged with enforcement of the housing maintenance code of the city of  
15 New York for the purpose of MANAGING THE PREMISES, replacing or substan-  
16 tially rehabilitating systems or making other repairs or capital  
17 improvements authorized by the court. All moneys expended by the depart-  
18 ment pursuant to the foregoing shall constitute a debt recoverable from  
19 the owner and a lien upon the building and lot, and upon the rents and  
20 other income thereof. Such lien shall be enforced in accordance with the  
21 provisions of article eight of subchapter five of the housing mainte-  
22 nance code of the city of New York. Such administrator, shall, upon  
23 completion of the work prescribed in such judgment, file with the court  
24 a full accounting of all receipts and expenditures for such work. Such  
25 administrator shall dispose of the rents and other monies deposited with  
26 such administrator according to the following order of priority:

27 S 3. This act shall take effect immediately.