

STATE OF NEW YORK

7515

2017-2018 Regular Sessions

IN ASSEMBLY

April 28, 2017

Introduced by M. of A. ZEBROWSKI, SKOUFIS, GALEF, DICKENS, SEPULVEDA,
D'URSO -- Multi-Sponsored by -- M. of A. HOOPER -- read once and
referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to reducing the
time period in which an article 7 proceeding is deemed abandoned from
four years to two years

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

1 Section 1. Section 718 of the real property tax law, as amended by
2 chapter 693 of the laws of 1995, subdivision 1 as amended by chapter 186
3 of the laws of 2002, subdivisions 2 and 3 as added by chapter 693 of the
4 laws of 1995, and paragraphs (a) and (b) of subdivision 2 as amended by
5 chapter 503 of the laws of 1996, is amended to read as follows:

6 § 718. When proceeding deemed abandoned. 1. Where a proceeding is
7 commenced pursuant to this article to review the assessment of a parcel
8 of real property which contains one, two or three family dwelling resi-
9 dential real property, including such dwellings used in part for nonres-
10 idential purposes, but which are used primarily for residential
11 purposes, and farm dwellings, or a parcel of real property which
12 contains residential real property consisting of more than three dwell-
13 ing units held in condominium form of ownership, or a parcel of real
14 property which contains land used in agricultural production which is
15 eligible for an agricultural assessment pursuant to section three
16 hundred five or three hundred six of the agriculture and markets law,
17 where the owner of such land has filed an annual application for an
18 agricultural assessment, and farm buildings and structures thereon, as
19 defined in subdivision two of section four hundred eighty-three of this
20 chapter, or any parcel of real property located in a city with a popu-
21 lation of one million or more, unless a note of issue is filed and the
22 proceeding is placed on the court calendar within [~~four~~ two] years from
23 the last date provided by law for the commencement of the proceeding,
24 the proceeding thereon shall be deemed to have been abandoned and an
25 order dismissing the petition shall be entered without notice and such
26 order shall constitute a final adjudication of all issues raised in the

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

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1 proceeding, except where the parties otherwise stipulate or a court or
2 judge otherwise orders on good cause shown within such [~~four-year~~] two-
3 year period.

4 2. Where a proceeding is commenced pursuant to this article to review
5 the assessment of a parcel of real property which solely contains prop-
6 erty which is not subject to the provisions of subdivision one of this
7 section, a note of issue shall be filed in accordance with this subdivi-
8 sion.

9 (a) Where a real property assessment challenge commenced under this
10 article has been pending for at least [~~two-years~~] one year from the date
11 of the commencement of the proceeding, either party may demand, by serv-
12 ing a written demand, that the parties file a written appraisal of the
13 property which is the subject of the proceeding and serve same within
14 [~~one hundred twenty~~] ninety days of service of such demand. The demand
15 shall be in writing and served by personal delivery or certified mail,
16 return receipt requested. Both parties shall thereafter file an
17 appraisal or show good cause as to why such demand cannot be complied
18 with within such time period. Either party may move to dismiss the
19 proceeding by reason of the other party's failure to prosecute the
20 proceeding and file the appraisal pursuant to the demand. Unless the
21 party shows good cause for failing to file the appraisal, the court may
22 in its discretion either dismiss or grant the petition and such order
23 shall constitute a final adjudication of all issues raised in the
24 proceeding.

25 (b) Upon the serving and filing the appraisals pursuant to a demand
26 made under paragraph (a) of this subdivision, the court shall schedule a
27 conference with the parties to be held within [~~ninety~~] forty-five days
28 to discuss settlement, resolve disclosure and decide other pretrial
29 issues.

30 (c) After completion of the pretrial conference required by this
31 subdivision, the respondent may serve and file a written demand that
32 petitioner file a note of issue within thirty days of service of the
33 demand therefor. The demand shall be in writing and served by personal
34 delivery or certified mail, return receipt requested. Should the peti-
35 tioner fail to file a note of issue within thirty days of the service of
36 demand, the proceeding shall be deemed to have been abandoned, an order
37 dismissing the petition shall be entered without notice and such order
38 shall constitute a final adjudication of all issues raised in the
39 proceeding, unless the court or judge otherwise orders on good cause
40 shown.

41 (d) Should the respondent fail to demand that the petitioner file a
42 note of issue pursuant to paragraph (c) of this subdivision within
43 [~~four~~] two years from the date of the commencement of the proceeding,
44 and a note of issue has not otherwise been filed, the proceeding shall
45 be deemed to have been abandoned and an order dismissing the petition
46 shall be entered without notice and such order shall constitute a final
47 adjudication of all issues raised in the proceeding, except where the
48 parties otherwise stipulate or a court or judge otherwise orders on good
49 cause shown within such [~~four-year~~] two-year period.

50 3. For purposes of this section a "proceeding" shall include separate
51 proceedings involving parcels under common ownership or separate
52 proceedings consolidated pursuant to section seven hundred ten of this
53 title.

54 § 2. This act shall take effect on the first of January next succeed-
55 ing the date upon which it shall have become a law.