S T A T E O F N E W Y O R K

4402--B

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. HYER-SPENCER, TITONE, JEFFRIES -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Staten Island to the estate of former owner Hilda Spivak, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 1124, Lot No. 19 on tax map for the borough of Staten Island

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

Section 1. Findings. On September 15, 1970, through a Staten Island in rem tax foreclosure, the city of New York acquired title to premises designated as lot #19 in tax block 1124 in Staten Island, New York, in the borough of Staten Island, based on non-payment of taxes due to inadvertent failure to pay taxes thereon by Hilda Spivak, the former owner of such property who is now deceased. Pursuant to sections 11-424 and 11-424.1 of the administrative code of the city of New York, the city may release its interest in property thus acquired if an application for such a release is filed with the city's department of citywide administrative services within two years of the date on which the city's deed is recorded and if such application is approved by the in rem foreclosure release board. Since that period has now elapsed, and pending the effectiveness of a chapter of the laws of 2010 authorizing the in rem foreclosure release board to authorize the release of property where an application for such release is made more than two years after the date of the city's acquisition thereof, state legislation is necessary to

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

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restore said property to the estate of Hilda Spivak. In addition, since the New York city charter requires that the sale of city owned property be at public auction or by sealed bids (except as otherwise provided by law), state legislative authorization is necessary to permit said reconveyance.

S 2. Notwithstanding any other provision of general, special or local law, charter or administrative code to the contrary and subject to section three of this act, the city of New York is hereby authorized to release its interest in and reconvey the real property designated as tax block 1124, lot #19, on the tax map of the city for the borough of Staten Island as said map was on September 15, 1970 to the estate of Hilda Spivak, who have legally inherited said real property from Hilda Spivak, deceased, the former record owner of said property at the time of her demise.

S 3. Such release and reconveyance may be made only upon the approval of the in rem foreclosure release board established by section 11-424.1 of the administrative code of the city of New York, subject to the grantee meeting the following conditions precedent:

(a) Submit an application for release in writing to the city commissioner of the department of citywide administrative services accompanied by a certified title search, affidavit of ownership, and all fees and payments as otherwise required by section 11-424 of the administrative code of the city of New York.

(b) Pay all taxes, interest, penalties and charges otherwise required by section 11-424 of the administrative code of the city of New York upon the approval of the application by the in rem foreclosure release board.

S 4. This chapter of the laws of 2010 shall not be deemed to be the chapter upon the effectiveness of which paragraph 2 of subdivision a of section 11-424 of the administrative code of the city of New York, under local law, depends. Accordingly, the provisions of such paragraph 2 shall not apply to the release and reconveyance authorized to be made herein.

S 5. This act shall take effect immediately.