

5358

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. SPANO, BENEDETTO, BENJAMIN, FIELDS, GREENE, MILL-MAN, GABRYSZAK -- Multi-Sponsored by -- M. of A. GALEF, PEOPLES, PHEFFER -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to conditions on real property

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

1 Section 1. The general obligations law is amended by adding a new
2 section 9-102 to read as follows:
3 S 9-102. DUTY TO KEEP PROPERTY IN A MORTGAGE FORECLOSURE ACTION IN A
4 SAFE AND HABITABLE CONDITION. WHERE A FINAL JUDGMENT FOR THE HOLDER OF A
5 MORTGAGE HAS BEEN RENDERED IN AN ACTION TO RECOVER ANY PART OF THE MORT-
6 GAGED DEBT, IT SHALL BE THE DUTY OF THE PREVAILING PARTY TO ENTER INTO
7 CONTROL AND POSSESSION OF THE FORECLOSED PROPERTY AND TO MAINTAIN IT IN
8 A SAFE AND HABITABLE CONDITION UNTIL SAID PREMISES ARE SOLD, OCCUPIED BY
9 A RENTER OR OTHERWISE LEGALLY DISPOSED OF. THE MUNICIPALITY IN WHICH THE
10 PREMISES ARE LOCATED OR A HOMEOWNERS ASSOCIATION, IF SAID PREMISES ARE
11 SUBJECT TO THE RULES AND REGULATIONS OF SUCH ASSOCIATION, SHALL HAVE THE
12 RIGHT TO ENFORCE THE PROVISIONS OF THIS SECTION.
13 S 2. This act shall take effect immediately.

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

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